

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2440 Session of 2018

INTRODUCED BY GALLOWAY, SEPTEMBER 5, 2018

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 5, 2018

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,
 2 as amended, "An act providing for and reorganizing the
 3 conduct of the executive and administrative work of the
 4 Commonwealth by the Executive Department thereof and the
 5 administrative departments, boards, commissions, and officers
 6 thereof, including the boards of trustees of State Normal
 7 Schools, or Teachers Colleges; abolishing, creating,
 8 reorganizing or authorizing the reorganization of certain
 9 administrative departments, boards, and commissions; defining
 10 the powers and duties of the Governor and other executive and
 11 administrative officers, and of the several administrative
 12 departments, boards, commissions, and officers; fixing the
 13 salaries of the Governor, Lieutenant Governor, and certain
 14 other executive and administrative officers; providing for
 15 the appointment of certain administrative officers, and of
 16 all deputies and other assistants and employes in certain
 17 departments, boards, and commissions; providing for the
 18 regulation of pari-mutuel thoroughbred horse racing and
 19 harness horse racing activities, imposing certain taxes and
 20 providing for the disposition of funds from pari-mutuel
 21 tickets; and prescribing the manner in which the number and
 22 compensation of the deputies and all other assistants and
 23 employes of certain departments, boards and commissions shall
 24 be determined," in powers and duties of the Department of
 25 Labor and Industry, its Departmental Administrative and
 26 Advisory Boards and Departmental Administrative Officers,
 27 providing for joint agency task force on misclassification of
 28 employees.

29 The General Assembly of the Commonwealth of Pennsylvania
 30 hereby enacts as follows:

31 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929, is amended by adding a
2 section to read:

3 Section 2209.4. Joint Agency Task Force on Misclassification
4 of Employes.--(a) A joint agency task force is established in
5 the Department of Labor and Industry to investigate the practice
6 of employe misclassification occurring in this Commonwealth and
7 to develop and implement a comprehensive plan with measurable
8 goals to reduce misclassification of employes in this
9 Commonwealth.

10 (b) Members of the joint agency task force shall be as
11 follows:

12 (1) The Attorney General.

13 (2) The Secretary of Community and Economic Development.

14 (3) The Secretary of Environmental Protection.

15 (4) The Secretary of General Services.

16 (5) The Secretary of the Budget.

17 (6) The Secretary of Labor and Industry, who shall serve as
18 chairperson of the task force.

19 (7) The Secretary of Revenue.

20 (c) The task force shall meet and organize no later than
21 thirty (30) days after the effective date of this section. Each
22 member of the agency task force may designate an individual who
23 is employed within their respective department to attend
24 meetings in their place.

25 (d) The task force shall have the following powers and
26 duties:

27 (1) Examine and evaluate existing employe misclassification
28 enforcement by Commonwealth agencies.

29 (2) Ensure that agencies and departments undertake timely
30 enforcement and that any penalties are posted on their

1 respective publicly accessible Internet websites.

2 (3) Coordinate the review of existing law and other methods
3 to improve monitoring and enforcement of employe
4 misclassification.

5 (4) Review current procedures and establish reasonable
6 methods to accept and acknowledge complaints of employe
7 misclassification.

8 (5) Identify barriers to information sharing among
9 Commonwealth agencies regarding employe misclassification and
10 recommend statutory changes as necessary.

11 (6) Develop and implement a continuous campaign to educate
12 and inform employers, workers and the general public about the
13 illegality of employe misclassification.

14 (7) Collaborate with business, labor and community groups to
15 increase public awareness of the illegality of employe
16 misclassification and undertake efforts to reduce its
17 occurrence.

18 (8) Determine the revenue to the General Fund, the Workmen's
19 Compensation Administration Fund and the Unemployment
20 Compensation Trust Fund that is lost annually due to employe
21 misclassification.

22 (9) Engage in other activities deemed necessary and
23 appropriate by the task force.

24 (e) The task force shall develop a work plan outlining how
25 the task force will approach its duties under subsection (d).
26 The task force shall submit an annual report to the General
27 Assembly by March 1 of the year following the first full year in
28 which this section is in effect, and each year thereafter,
29 detailing, to the maximum extent possible, data on the previous
30 calendar year's administration of this section.

1 (f) Staff necessary for the task force shall be provided by
2 the agencies participating with the task force.
3 Section 2. This act shall take effect in 60 days.