

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1077 Session of  
2011

INTRODUCED BY MENSCH, SCARNATI, RAFFERTY, D. WHITE,  
EICHELBERGER, SOLOBAY, WAUGH, ALLOWAY, VOGEL, ORIE, EARLL,  
FOLMER, ERICKSON, YAW, BREWSTER, KASUNIC AND BRUBAKER,  
JUNE 3, 2011

REFERRED TO LABOR AND INDUSTRY, JUNE 3, 2011

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as  
2 reenacted and amended, "An act defining the liability of an  
3 employer to pay damages for injuries received by an employe  
4 in the course of employment; establishing an elective  
5 schedule of compensation; providing procedure for the  
6 determination of liability and compensation thereunder; and  
7 prescribing penalties," further providing for the definition  
8 of "employe."

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

11 Section 1. Section 104 of the act of June 2, 1915 (P.L.736,  
12 No.338), known as the Workers' Compensation Act, reenacted and  
13 amended June 21, 1939 (P.L.520, No.281) and amended June 24,  
14 1966 (P.L.350, No.57), is amended to read:

15 Section 104. The term "employe," as used in this act is  
16 declared to be synonymous with servant, and includes--

17 All [natural] persons who perform services for another for a  
18 valuable consideration, exclusive of persons whose employment is  
19 casual in character and not in the regular course of the  
20 business of the employer, and exclusive of persons to whom

1 articles or materials are given out to be made up, cleaned,  
2 washed, altered, ornamented, finished or repaired, or adapted  
3 for sale in the worker's own home, or on other premises, not  
4 under the control or management of the employer. The term shall  
5 not include an alien (noncitizen) who has entered the United  
6 States without government permission or stayed beyond the  
7 termination date of a visa. Except as hereinafter provided in  
8 clause (c) of section 302 and sections 305 and 321, every  
9 executive officer of a corporation elected or appointed in  
10 accordance with the charter and by-laws of the corporation,  
11 except elected officers of the Commonwealth or any of its  
12 political subdivisions, shall be an employe of the corporation.  
13 An executive officer of a for-profit corporation or an executive  
14 officer of a nonprofit corporation who serves voluntarily and  
15 without remuneration may, however, elect not to be an employe of  
16 the corporation for the purposes of this act. For purposes of  
17 this section, an executive officer of a for-profit corporation  
18 is an individual who has an ownership interest in the  
19 corporation, in the case of a Subchapter S corporation as  
20 defined by the act of March 4, 1971 (P.L.6, No.2), known as the  
21 "Tax Reform Code of 1971," or an ownership interest in the  
22 corporation of at least five per centum, in the case of a  
23 Subchapter C corporation as defined by the Tax Reform Code of  
24 1971.

25 Section 2. This act shall take effect in 60 days.