AN ACT

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in preemptions, providing for employer mandates by municipalities.

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

Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 306. Employer mandates by municipalities.

(a) Regulation or enforcement prohibited.--Notwithstanding any other law to the contrary, a municipality may not in any manner regulate employer policies or practices or enforce any mandate regarding employer policies or practices.

(b) Applicability.--This section shall not apply to any of the following:

(1) A mandate enacted by a municipality affecting an employee or class of employees of the municipality.

(2) An ordinance authorized by the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human
Relations Act.

(3) The terms and conditions of collective bargaining agreements.

(c) Effect.--

(1) This section shall not be construed to invalidate an ordinance, rule or policy enacted by a municipality prior to January 1, 2015.

(2) An ordinance, rule or policy enacted by a municipality on or after January 1, 2015, in violation of subsection (a) is void.

(d) Relief.--If, on or after January 1, 2015, a municipality enacts an ordinance, rule or policy in violation of subsection (a), a person adversely affected may seek declaratory or injunctive relief and actual damages in an appropriate court.

(e) Reasonable expenses.--

(1) The court shall award reasonable expenses to a person adversely affected by a violation of subsection (a) in any of the following circumstances:

(i) A final determination is granted by the court in favor of the person adversely affected.

(ii) The underlying ordinance, rule or policy is rescinded, repealed or otherwise abrogated after an action has been filed under subsection (d) but before the final determination by the court.

(2) If a person eligible for relief under subsection (d) provides at least 30 days' written notice to the municipality of the intention to file an action under subsection (d) and the municipality subsequently takes steps to provide relief to the person, the person shall also be eligible for reasonable expenses.
(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Employee." An individual employed by an employer.

"Employer." Any individual, partnership, association, corporation, business trust or any person or group of persons acting, directly or indirectly, in the interest of an employer in relation to an employee.

"Employer policies or practices." Policies or practices that include, but are not limited to, any of the following topics:

(1) Wages, other compensation or benefits.

(2) Hiring or termination of employees.

(3) Workplace management, including scheduling and workplace procedures.

(4) The relationship between employers and employees, including employee discipline.

(5) Paid or unpaid employee leave.

(6) Terms and conditions of employment.

"Municipality." A county, city, borough, incorporated town, township, home rule charter, optional charter or optional plan municipality or a similar general purpose unit of government that may be created by the General Assembly.

"Reasonable expenses." The term includes, but is not limited to, attorney fees, expert witness fees, court costs and compensation for loss of income.

"Wages." As defined in section 3(d) of the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

Section 2. This act shall take effect immediately.