

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 892

Session of  
1985

INTRODUCED BY HARPER, JOSEPHS, ARTY, COHEN, COWELL, KUKOVICH,  
CARN, TRUMAN, OLIVER, RUDY, TRELLO, FATTAH, ACOSTA,  
CAPPABIANCA, WIGGINS, EVANS, RICHARDSON, DURHAM, WILSON,  
DONATUCCI, PRESTON, CAWLEY AND RIEGER, APRIL 15, 1985

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 15, 1985

AN ACT

1 Amending the act of December 17, 1959 (P.L.1913, No.694),  
2 entitled "An act prohibiting discrimination in rate of pay  
3 because of sex; conferring powers and imposing duties on the  
4 Department of Labor and Industry; and prescribing penalties,"  
5 providing for the establishment of pay equity for employees;  
6 and making an appropriation.

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

9 Section 1. Section 1 of the act of December 17, 1959  
10 (P.L.1913, No.694), known as the Equal Pay Law, is amended to  
11 read:

12 Section 1. Short Title.--This act shall be known and may be  
13 cited as the ["Equal Pay Law."] "Equal Pay and Pay Equity Law."

14 Section 2. Section 2(a) of the act, amended July 31, 1968  
15 (P.L.869, No.262), is amended and the section is amended by  
16 adding a subsection to read:

17 Section 2. Definitions.--(a) The term "employee," as used in  
18 this act, shall mean any person employed for hire in any lawful  
19 business, industry, trade or profession, or in any other lawful

1 enterprise in which individuals are gainfully employed;  
2 including individuals employed by the Commonwealth or any of its  
3 political subdivisions, including public bodies[: Provided,  
4 however, That the term "employee" as used in this act shall not  
5 apply to any person or persons who is or are subject to section  
6 6 of the Federal Fair Labor Standards Act (Act of June 25, 1938,  
7 as amended)].

8 \* \* \*

9 (g) "Comparable" shall mean the monetary worth of one job in  
10 a salary system in comparison to the worth of other jobs in that  
11 system. Comparability shall be determined by a comparative  
12 analysis of an objective evaluation of jobs within the salary  
13 system using skill, effort, knowledge, mental demands, physical  
14 demands, accountability, necessity, responsibility and work  
15 conditions as factors for evaluating each job.

16 Section 3. Sections 3 and 5 of the act, amended July 31,  
17 1968 (P.L.869, No.262), are amended to read:

18 Section 3. Wage Rates.--(a) No employer having employees  
19 subject to any provisions of this section shall discriminate,  
20 within any establishment in which such employees are employed,  
21 between employees on the basis of sex by paying wages to employees  
22 in equal or similar job classifications or situations in such  
23 establishment at a rate less than or comparably less than the  
24 rate at which he pays wages to employees of the opposite sex in  
25 such establishment for equal or comparable work on jobs, the  
26 performance of which, requires equal or similar skill, effort,  
27 and responsibility, and which are performed under similar  
28 working conditions, except where such disparity of payment is  
29 made pursuant to (1) a seniority system; (2) a merit system; (3)  
30 a system which measures earnings by quantity or quality of

1 production; or (4) a differential based on any other factor  
2 other than sex: Provided, That any employer who is paying a wage  
3 rate differential in violation of this subsection shall not in  
4 order to comply with the provisions of this subsection, reduce  
5 the wage rate of any employee.

6 (b) No labor organization, or its agents, representing  
7 employees of an employer having employees subject to any  
8 provisions of this section, shall cause or attempt to cause such  
9 an employer to discriminate against an employee in violation of  
10 subsection (a) of this section.

11 Section 5. Collection of Unpaid Wages.--(a) An employer who  
12 [wilfully and knowingly] violates the provisions of section 3 of  
13 this act shall be liable to the employee or employees affected in  
14 the amount of their unpaid wages and in addition, an equal  
15 amount as liquidated damages. Action to recover such wages and  
16 damages may be maintained in any court of competent jurisdiction  
17 by any one or more employees for and in behalf of himself or  
18 themselves and other employees similarly situated. Any agreement  
19 between the employer and an employee to work for less than the  
20 wage to which such employee is entitled under this act shall be  
21 no defense to such action. The court in such action shall, in  
22 addition to any wages and damages, allow a reasonable attorney's  
23 fee and costs of the action to the plaintiff. At the request of  
24 any employee paid less than the wage to which he is entitled  
25 under this act, the Secretary of Labor and Industry may take an  
26 assignment of such wage claim for collection and shall bring any  
27 legal action necessary to collect such claim. The secretary  
28 shall not be required to pay the filing fee or other costs in  
29 connection with such action. The secretary shall have power to  
30 join various claimants against the employer in one cause of

1 action.

2 (b) Any action pursuant to the provisions of this act must  
3 be brought within two years from the date upon which the  
4 violation complained of occurs.

5 Section 4. The sum of \$87,000 is hereby appropriated to the  
6 Department of Labor and Industry for the fiscal year 1985-1986  
7 for the purpose of enforcing the provisions of this act.

8 Section 5. This act shall take effect in 60 days.