

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 654 Session of 2009

INTRODUCED BY LOGAN, FONTANA, STACK, MELLOW, KITCHEN,
TARTAGLIONE AND MUSTO, MARCH 20, 2009

REFERRED TO LABOR AND INDUSTRY, MARCH 20, 2009

AN ACT

1 Amending the act of January 17, 1968 (P.L.11, No.5), entitled
2 "An act establishing a fixed minimum wage and overtime rates
3 for employes, with certain exceptions; providing for minimum
4 rates for learners and apprentices; creating a Minimum Wage
5 Advisory Board and defining its powers and duties; conferring
6 powers and imposing duties upon the Department of Labor and
7 Industry; imposing duties on employers; and providing
8 penalties," further providing for minimum wage rates.

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

11 Section 1. Section 4(b) and (d) of the act of January 17,
12 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968,
13 amended July 9, 2006 (P.L.1077, No.12), are amended to read:

14 Section 4. Minimum Wages.--Except as may otherwise be
15 provided under this act:

16 * * *

17 (b) The secretary, to the extent necessary to prevent
18 curtailment of employment opportunities, shall by regulations
19 provide for the employment of learners and students, under
20 special certificates at wages lower than the minimum wage
21 applicable under this section, and subject to such limitations

1 as to number, proportion and length of service as the secretary
2 shall prescribe: Provided, That the minimum wage prescribed
3 under this subsection [(b)] shall not be less than eighty-five
4 percent of the otherwise applicable wage rate in effect under
5 [section 4] this section. A special certificate issued under
6 this subsection shall provide that for six or less students for
7 whom it is issued shall, except during vacation periods, be
8 employed on a part-time basis and not in excess of twenty hours
9 in any workweek at a sub-minimum rate.

10 In the case of an employer who intends to employ seven or
11 more students, at a sub-minimum rate, the secretary may issue a
12 special certificate only if the employer certifies to the
13 secretary that employment of such students will not create a
14 substantial probability of reducing the full-time employment
15 opportunities for other workers.

16 * * *

17 (d) An employe whose earning capacity is impaired by
18 physical or mental deficiency or injury may be paid less than
19 the applicable minimum wage if either a license specifying a
20 wage rate commensurate with the employe's productive capacity
21 has been obtained by the employer from the secretary or a
22 Federal certificate is obtained under section 14(c) of the Fair
23 Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et
24 seq.)[.], except that the minimum wage prescribed under this
25 subsection shall not be less than eighty-five percent of the
26 otherwise applicable wage rate in effect under this section. A
27 license obtained from the secretary shall be granted only upon
28 joint application of employer and employe.

29 * * *

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