

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 46 Session of 2021

INTRODUCED BY GROVE, FEE, IRVIN, KAUFFMAN, SAYLOR, ROWE, JAMES, ZIMMERMAN AND MOUL, JANUARY 11, 2021

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 11, 2021

AN ACT

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

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

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

8 § 306. Employer mandates by municipalities.

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

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

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

17 (2) An ordinance authorized by the act of October 27,  
18 1955 (P.L.744, No.222), known as the Pennsylvania Human

1 Relations Act.

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

4 (c) Effect.--

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

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

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

15 (e) Reasonable expenses.--

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

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

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22 rescinded, repealed or otherwise abrogated after an  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

25 (2) If a person eligible for relief under subsection (d)  
26 provides at least 30 days' written notice to the municipality  
27 of the intention to file an action under subsection (d) and  
28 the municipality subsequently takes steps to provide relief  
29 to the person, the person shall also be eligible for  
30 reasonable expenses.

1 (f) Definitions.--As used in this section, the following  
2 words and phrases shall have the meanings given to them in this  
3 subsection unless the context clearly indicates otherwise:

4 "Employee." An individual employed by an employer.

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

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

11 (1) Wages, other compensation or benefits.

12 (2) Hiring or termination of employees.

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

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

17 (5) Paid or unpaid employee leave.

18 (6) Terms and conditions of employment.

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

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

26 "Wages." As defined in section 3(d) of the act of January  
27 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

28 Section 2. This act shall take effect immediately.