

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1973 Session of
1993

INTRODUCED BY BELFANTI, GIGLIOTTI, MCGEEHAN, KASUNIC, JAROLIN,
OLASZ, LEDERER, STABACK, DALEY, WILLIAMS, LAUGHLIN, JOSEPHS,
FAJT, VEON AND TRELLO, JUNE 28, 1993

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 28, 1993

AN ACT

1 Amending the act of July 14, 1961 (P.L.637, No.329), entitled
2 "An act relating to the payment of wages or compensation for
3 labor or services; providing for regular pay days; conferring
4 powers and duties upon the Department of Labor and Industry,
5 including powers and duties with respect to the civil
6 collection of wages; providing civil and criminal penalties
7 for violations of the act; providing for their collection and
8 disposition and providing for additional civil damages,"
9 providing for duty of successor employer to pay back wages;
10 and further providing for enforcement.

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

13 Section 1. The act of July 14, 1961 (P.L.637, No.329), known
14 as the Wage Payment and Collection Law, is amended by adding a
15 section to read:

16 Section 6.1. Successor Employer's Duty to Pay Back Wages.--A
17 successor employer shall be responsible financially, upon the
18 sale of the company, for back wages due to employees of the
19 previous employer. These wages may be paid in installments.

20 Section 2. Section 8 of the act, amended July 14, 1977
21 (P.L.82, No.30), is amended to read:

1 Section 8. Enforcement.--(a) The Secretary of Labor and
2 Industry shall have the duty, but not the exclusive right, to
3 enforce and administer the provisions of this act, to
4 investigate any alleged violations of this act and to institute
5 prosecutions and actions as provided hereunder. Nothing in this
6 act shall authorize the secretary to initiate a civil action for
7 unpaid wages which are subject to disposition under grievance
8 and arbitration procedures of a collective bargaining agreement.

9 (b) The Department of Labor and Industry shall have the
10 power to make rules and regulations for the administration of
11 this act.

12 (c) Every employer shall keep open to inspection by the
13 secretary or his authorized representative, all payroll records
14 or other records or documents relative to the enforcement of
15 this act. Such inspection may be made by the secretary or his
16 authorized representative at any reasonable time. Every employer
17 shall permit the secretary or any authorized representative to
18 interrogate any employe in the place of employment and during
19 work hours with respect to such records or documents. Where such
20 records are maintained at a central record keeping office
21 outside of the Commonwealth, such records shall be made
22 available for inspection at the place of employment within seven
23 calendar days following verbal or written notice from the
24 secretary or his authorized representative. Where a microfilm or
25 any other method is authorized for record keeping purposes, the
26 employer shall make available to the secretary or his authorized
27 representative, the equipment which is necessary to facilitate
28 review of the records.

29 (d) The department may require a company which has filed a
30 bankruptcy petition under 11 U.S.C. Ch. 11 (relating to

1 reorganization) to file a bond or other assurance relating to
2 the payment of wages of salaried and nonsalaried employes of the
3 company. The department shall monitor payments or wages by a
4 company which has filed a petition under 11 U.S.C. Ch. 11.

5 Section 3. This act shall take effect in 60 days.