

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 257 Session of
2005

INTRODUCED BY COHEN, BELFANTI, J. TAYLOR, DeWEESE, VEON, THOMAS, STETTLER, BELARDI, BISHOP, BLAUM, KENNEY, FREEMAN, McGEEHAN, WALKO, WATERS, LaGROTTA, MELIO, OLIVER, SANTONI, MANDERINO, WASHINGTON, McCALL, W. KELLER, PISTELLA, TIGUE, JAMES, SURRA, HARHAI, LEVDANSKY, ROEBUCK, TANGRETTI, GERGELY, BEBKO-JONES, WOJNAROSKI, DALEY, STURLA, ROONEY, CAWLEY, WHEATLEY, MUNDY, CURRY, CALTAGIRONE, LEACH, RUFFING, FRANKEL, GEORGE, EACHUS, WILLIAMS, RAMALEY, STABACK, CRUZ, YOUNGBLOOD, SAMUELSON, KIRKLAND, YUDICHAK, GRUCELA, COSTA, BUTKOVITZ, BLACKWELL, MYERS, DeLUCA, D. EVANS, BUXTON, LESCOVITZ, PRESTON, DONATUCCI, CASORIO, JOSEPHS, PALLONE, SHANER, SOLOBAY, GOODMAN, RIEGER, CORRIGAN, DERMODY, PETRONE, YEWCIC, LEDERER, PETRARCA, SIPTROTH, FABRIZIO, PARKER AND SABATINA, FEBRUARY 8, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 5, 2006

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.~~
9 AMENDING THE ACT OF JANUARY 17, 1968 (P.L.11, NO.5), ENTITLED <—
10 "AN ACT ESTABLISHING A FIXED MINIMUM WAGE AND OVERTIME RATES
11 FOR EMPLOYES, WITH CERTAIN EXCEPTIONS; PROVIDING FOR MINIMUM
12 RATES FOR LEARNERS AND APPRENTICES; CREATING A MINIMUM WAGE
13 ADVISORY BOARD AND DEFINING ITS POWERS AND DUTIES; CONFERRING
14 POWERS AND IMPOSING DUTIES UPON THE DEPARTMENT OF LABOR AND
15 INDUSTRY; IMPOSING DUTIES ON EMPLOYERS; AND PROVIDING
16 PENALTIES," FURTHER PROVIDING FOR MINIMUM WAGE; AND PROVIDING
17 FOR PREEMPTION.

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

1 ~~Section 1. Section 4(a) and (a.1) of the act of January 17,~~ <—
2 ~~1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968,~~
3 ~~amended or added December 15, 1988 (P.L.1232, No.150), are~~
4 ~~amended to read:~~

5 ~~Section 4. Minimum Wages. Except as may otherwise be~~
6 ~~provided under this act:~~

7 ~~(a) Every employer shall pay to each of his employees wages~~
8 ~~for all hours worked at a rate of not less than:~~

9 ~~(1) Two dollars sixty five cents (\$2.65) an hour upon the~~
10 ~~effective date of this amendment.~~

11 ~~(2) Two dollars ninety cents (\$2.90) an hour during the year~~
12 ~~beginning January 1, 1979.~~

13 ~~(3) Three dollars ten cents (\$3.10) an hour during the year~~
14 ~~beginning January 1, 1980.~~

15 ~~(4) Three dollars thirty five cents (\$3.35) an hour after~~
16 ~~December 31, 1980.~~

17 ~~(5) Three dollars seventy cents (\$3.70) an hour beginning~~
18 ~~February 1, 1989[, and thereafter].~~

19 ~~(6) Five dollars seventy cents (\$5.70) an hour beginning~~
20 ~~January 1, 2006.~~

21 ~~(7) Six dollars twenty five cents (\$6.25) an hour beginning~~
22 ~~January 1, 2007.~~

23 ~~(a.1) If the minimum wage set forth in the Fair Labor~~
24 ~~Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.)~~
25 ~~is increased above [three dollars thirty five cents (\$3.35) an~~
26 ~~hour] the minimum wage required under this section, the minimum~~
27 ~~wage required under this section shall be increased by the same~~
28 ~~amounts and effective the same date as the increases under the~~
29 ~~Fair Labor Standards Act, and the provisions of subsection (a)~~
30 ~~are suspended to the extent they differ from those set forth~~

1 ~~under the Fair Labor Standards Act.~~

2 * * *

3 ~~Section 2. The increase in the minimum wage under section~~
4 ~~4(a) of the act shall not apply to minors subject to the act of~~
5 ~~May 13, 1915 (P.L.286, No.177), known as the Child Labor Law,~~
6 ~~except those minors described in section 7.2 of the Child Labor~~
7 ~~Law.~~

8 ~~Section 3. This act shall take effect immediately.~~

9 SECTION 1. SECTION 4(A) AND (A.1) OF THE ACT OF JANUARY 17, <—
10 1968 (P.L.11, NO.5), KNOWN AS THE MINIMUM WAGE ACT OF 1968,
11 AMENDED OR ADDED DECEMBER 15, 1988 (P.L.1232, NO.150), ARE
12 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
13 READ:

14 SECTION 4. MINIMUM WAGES.--EXCEPT AS MAY OTHERWISE BE
15 PROVIDED UNDER THIS ACT:

16 (A) EVERY EMPLOYER SHALL PAY TO EACH OF HIS EMPLOYEES WAGES
17 FOR ALL HOURS WORKED AT A RATE OF NOT LESS THAN:

18 (1) TWO DOLLARS SIXTY-FIVE CENTS (\$2.65) AN HOUR UPON THE
19 EFFECTIVE DATE OF THIS AMENDMENT.

20 (2) TWO DOLLARS NINETY CENTS (\$2.90) AN HOUR DURING THE YEAR
21 BEGINNING JANUARY 1, 1979.

22 (3) THREE DOLLARS TEN CENTS (\$3.10) AN HOUR DURING THE YEAR
23 BEGINNING JANUARY 1, 1980.

24 (4) THREE DOLLARS THIRTY-FIVE CENTS (\$3.35) AN HOUR AFTER
25 DECEMBER 31, 1980.

26 (5) THREE DOLLARS SEVENTY CENTS (\$3.70) AN HOUR BEGINNING
27 FEBRUARY 1, 1989[, AND THEREAFTER].

28 (6) SIX DOLLARS TWENTY-FIVE CENTS (\$6.25) AN HOUR BEGINNING
29 JULY 1, 2006.

30 (7) SEVEN DOLLARS FIFTEEN CENTS (\$7.15) AN HOUR BEGINNING

1 JULY 1, 2007.

2 (A.1) IF THE MINIMUM WAGE SET FORTH IN THE FAIR LABOR
3 STANDARDS ACT OF 1938 (52 STAT. 1060, 29 U.S.C. § 201 ET SEQ.)
4 IS INCREASED ABOVE [THREE DOLLARS THIRTY-FIVE CENTS (\$3.35) AN
5 HOUR] THE MINIMUM WAGE REQUIRED UNDER THIS SECTION, THE MINIMUM
6 WAGE REQUIRED UNDER THIS SECTION SHALL BE INCREASED BY THE SAME
7 AMOUNTS AND EFFECTIVE THE SAME DATE AS THE INCREASES UNDER THE
8 FAIR LABOR STANDARDS ACT, AND THE PROVISIONS OF SUBSECTION (A)
9 ARE SUSPENDED TO THE EXTENT THEY DIFFER FROM THOSE SET FORTH
10 UNDER THE FAIR LABOR STANDARDS ACT.

11 * * *

12 (E) IN LIEU OF THE MINIMUM WAGE PRESCRIBED IN SUBSECTION (A)
13 AND NOTWITHSTANDING SUBSECTIONS (B) AND (D), AN EMPLOYER MAY,
14 DURING THE FIRST SIXTY CALENDAR DAYS WHEN AN EMPLOYEE UNDER THE
15 AGE OF TWENTY YEARS IS INITIALLY EMPLOYED, PAY THE EMPLOYEE
16 TRAINING WAGES AT A RATE OF NOT LESS THAN THE MINIMUM WAGE SET
17 FORTH IN SECTION 6(A) OF THE FAIR LABOR STANDARDS ACT (29 U.S.C.
18 § 206(A)). A PERSON EMPLOYED AT THE TRAINING WAGE UNDER THIS
19 SUBSECTION SHALL BE INFORMED OF THE AMOUNT OF THE TRAINING WAGE
20 AND THE RIGHT TO RECEIVE THE FULL MINIMUM WAGE, OR A HIGHER
21 WAGE, UPON COMPLETION OF THE TRAINING PERIOD. NO EMPLOYER MAY
22 TAKE ANY ACTION TO DISPLACE EXISTING EMPLOYEES, INCLUDING PARTIAL
23 DISPLACEMENTS SUCH AS REDUCTION IN THE HOURS, WAGES OR
24 EMPLOYMENT BENEFITS OF EXISTING EMPLOYEES, FOR PURPOSES OF HIRING
25 INDIVIDUALS AT THE TRAINING WAGE AUTHORIZED BY THIS SUBSECTION.

26 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

27 SECTION 13.1. PREEMPTION.--THE REGULATION OF MINIMUM WAGES
28 UNDER THIS ACT IS A MATTER OF EXCLUSIVE STATE CONTROL. MINIMUM
29 WAGES MAY NOT BE REGULATED BY ANY ORDINANCE, HOME RULE CHARTER
30 PROVISION, RESOLUTION, CONTRACT, RULE OR REGULATION OF A

1 POLITICAL SUBDIVISION.

2 SECTION 3. ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar
3 AS THEY ARE INCONSISTENT WITH THE ADDITION OF SECTION 13.1 OF
4 THE ACT.

5 SECTION 4. THIS ACT SHALL APPLY AS FOLLOWS:

6 (1) THE ADDITION OF SECTION 13.1 OF THE ACT SHALL NOT
7 INVALIDATE ANY ORDINANCE, CHARTER PROVISION, RESOLUTION, RULE
8 OR REGULATION IN EFFECT ON THE EFFECTIVE DATE OF THIS
9 SECTION.

10 (2) THE FOLLOWING PROVISIONS SHALL APPLY TO CONTRACTS
11 ENTERED INTO OR RENEWED ON OR AFTER THE EFFECTIVE DATE OF
12 THIS SECTION:

13 (I) THE ADDITION OF SECTION 13.1 OF THE ACT.

14 (II) SECTION 3 OF THIS ACT.

15 SECTION 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.