

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 320 Session of  
2017

---

INTRODUCED BY NEILSON, DRISCOLL, V. BROWN, W. KELLER, BULLOCK,  
SCHLOSSBERG, McNEILL, ZIMMERMAN AND DONATUCCI,  
FEBRUARY 6, 2017

---

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 6, 2017

---

AN ACT

1 Providing for the protection of a temporary employee's right to  
2 know and ensuring fairness in the job marketplace.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Temporary  
7 Workers Employee Right-to-Know Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Department." The Department of Labor and Industry of the  
13 Commonwealth.

14 "Employee." A person who is employed directly through the  
15 efforts of an employment agency to perform onsite work for an  
16 employer for a period of one year or less that expires on a  
17 specific date.

1 "Employer." An individual, company, corporation or  
2 partnership with which an employment agency contracts for the  
3 furnishing of persons for temporary employment.

4 "Employment agency." A vendor engaged in the business of  
5 providing the service of attempting to procure or procuring  
6 temporary employment for prospective employees or employers,  
7 such as placing services or labor contractor employment  
8 agencies. This term does not include collective bargaining by  
9 labor unions.

10 "Temporary worker." An employee whose employment will last  
11 one year or less and will expire on a specific date.

12 Section 3. Disclosure of information to temporary workers.

13 (a) General rule.--Where an employment agency is seeking  
14 applications for employees, the employment agency shall provide  
15 to each applicant notice of all of the following:

16 (1) The full name, address and telephone number of all  
17 of the following:

18 (i) The employment agency or the employment agent in  
19 charge of the placement.

20 (ii) The employment agency's workers' compensation  
21 carrier.

22 (iii) The employer.

23 (iv) The department.

24 (2) A full and complete description of the position,  
25 including any requirement or special clothing, equipment,  
26 training or licenses and any costs charged to the employee  
27 for supplies or training.

28 (3) The hourly rate of pay, if overtime pay may be  
29 available and the designated pay day.

30 (4) The daily starting time, the duration of the

1 position and the expected end date of the position.

2 (5) Whether the employer will provide meals to the  
3 employee and, if so, whether there will be a charge to the  
4 employee.

5 (6) Details of worksite transportation, including any  
6 fees to be charged to the employee by the employment agency  
7 for this service.

8 (b) Form of notice.--An employment agency may communicate  
9 the information required under subsection (a) via telephone or  
10 may direct an employee to an open position notice. The  
11 employment agency shall confirm the information in writing with  
12 the employee prior to the end of the first pay period.

13 (c) Change in terms of employment.--Any change in the  
14 initial terms of employment shall be communicated immediately to  
15 the employee verbally and in writing with acknowledgment of the  
16 changes by the employee.

17 (d) Applicability.--The provisions of this section shall not  
18 apply to professional employees as defined in 29 U.S.C. § 152  
19 (relating to definitions) or to administrative assistants whose  
20 primary duties are defined by the Bureau of Labor Statistics of  
21 the United States Department of Labor as consisting of one or  
22 more of the following:

23 (1) appointment scheduling;

24 (2) maintenance, organization or creation of paper and  
25 electronic files;

26 (3) provision of information to callers and visitors; or

27 (4) drafting or revising of correspondence.

28 Section 4. Duties of department.

29 The department shall:

30 (1) Conduct inspections and investigations necessary to

1 the enforcement of this act.

2 (2) Promulgate rules and regulations necessary to the  
3 enforcement and administration of this act.

4 Section 5. Prohibition of certain fees.

5 (a) Prohibition.--An employment agency may not charge or  
6 accept a fee from an employee for any of the following:

7 (1) The registration costs or any costs associated with  
8 the attainment of employment.

9 (2) Goods or services not specifically set forth in the  
10 terms of the written contract between the employment agency  
11 and the employee and presented in a language understandable  
12 to the employee that makes clear the purchase of the contract  
13 is completely voluntary and provides that the employment  
14 agency is not to make a profit from any cost charged to the  
15 employee.

16 (3) The provision of any of the following in amounts  
17 that exceed the actual cost per employee or applicant:

18 (i) Bank card.

19 (ii) Debit card.

20 (iii) Payroll card.

21 (iv) Voucher.

22 (v) Draft.

23 (vi) Money order.

24 (vii) Any similar form of payment or wages.

25 (4) Drug screening or testing.

26 (5) Transportation other than as provided in section  
27 3(a)(6).

28 (6) Goods and services for which payment of the amount  
29 would result in the employee earning less than the current  
30 applicable minimum wage.

(b) Deductions.--No employment agency or employer or their assignee may make deductions for any fee or cost from the wages of an employee without the express written consent of the employee.

#### Section 6. Transportation.

(a) Fee limits.--If transportation services are offered to employees by an employment agency or employer or their assignee and a fee or charge is assigned, the fee or charge to the employee may not exceed the actual cost of the transportation to and from the designated worksite. Transportation service charges or fees to employees may not exceed 3% of an employee's total daily wages earned nor reduce an employee's daily wages to an amount below the minimum wage earned per day.

(b) Mandatory transportation.--If an employee is required to utilize the transportation services provided by an employment agency or employer, no fee may be charged.

(c) Refund.--An employment agency or employer who dispatches an employee to a job site where there is no work shall refund in full to the employee any charge or fee withheld for transportation to the job site.

#### Section 7. Prohibited actions.

An employment agency is prohibited from all of the following actions:

(1) The purposeful and knowledgeable distribution, issuance, circulation or provision of false, fraudulent or misleading information, statements, notices, advertisements or promises to any employee or applicant.

(2) The use of a name that has not been registered with the department in the advertising or posting of its services.

(3) Placement of an employee by force, fraud or for

1 illegal purposes.

2 (4) Placement of an employee where the employment is in  
3 violation of the act of January 17, 1968 (P.L.11, No.5),  
4 known as The Minimum Wage Act of 1968.

5 (5) Placement of an employee in any location currently  
6 under strike or lockout without prior notification to the  
7 employee.

8 (6) Refusing to return any personal property, cost or  
9 fee charged or accepted by an employment agency in excess of  
10 amounts allowed under this act.

11 Section 8. Posting of notice of rights.

12 The employment agency shall be required to post in a  
13 conspicuous place in each location where it does business notice  
14 of an employee's rights under this act as well as the name and  
15 telephone number of the department. The department shall provide  
16 to the employment agency a sample notice meeting the  
17 requirements of this section in English, as well as a  
18 translation in Spanish.

19 Section 9. Violations.

20 An employment agency or employer found to be in violation of  
21 any provision of this act shall be subject upon conviction to a  
22 fine not more than \$25,000 or imprisonment for not more than one  
23 year, or both, for the first offense. Subsequent violations will  
24 result in a fine not more than \$50,000 and imprisonment for not  
25 more than two years, or both.

26 Section 10. Effective date.

27 This act shall take effect in 60 days.