

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2071 Session of 2018

INTRODUCED BY STEPHENS, BAKER, MILLARD, BERNSTINE, MURT, D. COSTA, STAATS, COX, JOZWIAK AND WATSON, FEBRUARY 13, 2018

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 21, 2018

AN ACT

1 Providing for implementation of workplace violence policies and
2 workplace violence prevention measures by employers and for
3 preemption.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Workplace
8 Violence Prevention Act.

9 Section 2. Definitions.

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

13 "Employee." Includes any individual employed by an employer.

14 "Employer." Includes any individual, partnership,
15 association, corporation, business trust, the Commonwealth, an
16 agency, authority or instrumentality of the Commonwealth, a
17 political subdivision, an agency, authority or instrumentality
18 of a political subdivision, or a person or group of persons

1 acting, directly or indirectly, in the interest of an employer  
2 in relation to any employee.

3 "Workplace violence." Violence, a threat of violence,  
4 harassment, intimidation or extremely disruptive behavior by a  
5 person against an employee which occurs during the course of the  
6 employee's employment or as the result of the employment.

7 "Workplace violence policy." A written policy created by an  
8 employer to provide for workplace rules and procedures intended  
9 to prevent or respond to workplace violence.

10 "Workplace violence prevention measure." An action taken by  
11 an employer for the purpose of preventing or reducing the  
12 incidence or severity of workplace violence. The term includes,  
13 but is not limited to:

14 (1) Providing training for employees with regard to the  
15 employer's workplace violence policy or general training on  
16 how to prevent and respond to workplace violence.

17 (2) Hiring or retaining security personnel to provide  
18 protection from workplace violence.

19 (3) Deploying electronic security systems, alarms,  
20 surveillance systems or other electronic measures intended to  
21 identify, monitor or make employees aware of potential  
22 workplace violence.

23 (4) Physically modifying the employer's premises or  
24 restricting access to certain parts of the premises in a  
25 manner intended to provide for the protection of employees.

26 (5) Installing barriers, locks, doors, bulletproof or  
27 bullet-resistant windows or other obstructions, partitions or  
28 any other physical deterrent intended to provide for the  
29 protection of employees.

30 Section 3. Employer rights.

1 An employer shall have the right, at the employer's  
2 discretion, to implement a workplace violence policy or any  
3 workplace violence prevention measure to provide for the safety  
4 of employees provided in compliance with applicable Federal and  
5 State law.

6 Section 4. Preemption.

7 (a) General rule.--This act shall preempt and supersede any  
8 municipal ordinance, rule, policy or licensure requirement  
9 ~~concerning the subject matter of this act.~~ THAT LIMITS, <--  
10 RESTRICTS OR PROHIBITS AN EMPLOYER FROM IMPLEMENTING A WORKPLACE  
11 VIOLENCE PREVENTION POLICY OR WORKPLACE VIOLENCE PREVENTION  
12 MEASURE.

13 (b) Regulation or restriction of workplace violence policy  
14 or prevention measure.--An ordinance, rule, policy or licensure  
15 requirement enacted by a municipality which ~~regulates~~ or LIMITS, <--  
16 restricts OR PROHIBITS workplace violence policies or any <--  
17 workplace violence prevention measure is void.

18 (c) Rebuttable presumption.--There shall be a rebuttable  
19 presumption that a municipal ordinance, rule, policy or  
20 licensure requirement THAT LIMITS, RESTRICTS OR PROHIBITS A <--  
21 WORKPLACE VIOLENCE POLICY OR ANY WORKPLACE VIOLENCE PREVENTION  
22 MEASURE TO PROVIDE FOR THE SAFETY OF EMPLOYEES is preempted by  
23 this act, if the workplace violence policy or workplace violence  
24 prevention measure:

- 25 (1) is not prohibited by Federal or State law; and
- 26 (2) is consistent with recommendations issued by the  
27 United States Occupational Safety and Health Administration.

28 (d) Applicability.--This section shall not apply to a  
29 mandate enacted by a municipality affecting an employee or class  
30 of employees of the municipality itself.

1 Section 5. Effective date.

2 This act shall take effect in 60 days.