

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 170 Session of 2019

INTRODUCED BY DONATUCCI, KINSEY, ISAACSON, RABB, MURT,
SCHLOSSBERG, CONKLIN, McNEILL, CIRESI, FREEMAN, CALTAGIRONE,
BULLOCK, SCHWEYER, HILL-EVANS, YOUNGBLOOD, GOODMAN, McCLINTON
AND DAWKINS, JANUARY 28, 2019

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 28, 2019

AN ACT

1 Amending the act of December 17, 1959 (P.L.1913, No.694),
2 entitled "An act prohibiting discrimination in rate of pay
3 because of sex; conferring powers and imposing duties on the
4 Department of Labor and Industry; and prescribing penalties,"
5 further providing for definitions, for collection of unpaid
6 wages and for penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 2(a), 5(b) and 8 of the act of December
10 17, 1959 (P.L.1913, No.694), known as the Equal Pay Law, are
11 amended to read:

12 Section 2. Definitions.--(a) The term "employee," as used in
13 this act, shall mean any person employed for hire in any lawful
14 business, industry, trade or profession, or in any other lawful
15 enterprise in which individuals are gainfully employed;
16 including individuals employed by the Commonwealth or any of its
17 political subdivisions, including public bodies[: Provided,
18 however, That the term "employee" as used in this act shall not
19 apply to any person or persons who is or are subject to section

1 6 of the Federal Fair Labor Standards Act (Act of June 25, 1938,
2 as amended)].

3 * * *

4 Section 5. Collection of Unpaid Wages.--* * *

5 (b) Any action pursuant to the provisions of this act must
6 be brought within [two] three years from the date upon which the
7 violation complained of occurs.

8 Section 8. Penalties.--(a) Any employer who wilfully and
9 knowingly violates any provisions of this act, or who discharges
10 or in any other manner discriminates against any employe because
11 such employe has made any complaint to his employer, the
12 secretary or any other person who instituted or caused to be
13 instituted any proceeding under or related to this act, or has
14 testified or is about to testify in any such proceedings, shall,
15 upon conviction thereof in a summary proceeding, be sentenced to
16 pay a fine of not less than [fifty dollars (\$50) nor more than
17 two hundred dollars (\$200)] two thousand five hundred dollars
18 (\$2,500) nor more than five thousand dollars (\$5,000), and, upon
19 default in such fine and costs, shall undergo imprisonment for
20 not less than thirty days nor more than sixty days. [Each]
21 Discrimination against each individual employe and each day such
22 a violation continues shall constitute a separate offense.

23 (b) Any employer who fails to keep the records required
24 under this act or to furnish such records to the secretary upon
25 request, or who falsifies such records or who hinders, delays or
26 otherwise interferes with the secretary or his authorized
27 representatives in the performance of his duties in the
28 enforcement of this act, or refuses such official entry into any
29 establishment which he is authorized by this act to inspect,
30 shall, upon conviction thereof in a summary proceeding, be

1 sentenced to pay a fine of not less than [fifty dollars (\$50)
2 nor more than two hundred dollars (\$200)] two thousand five
3 hundred dollars (\$2,500) nor more than five thousand dollars
4 (\$5,000), and, upon default in such fine and costs, shall
5 undergo imprisonment for not less than thirty days nor more than
6 sixty days. Each day such a violation continues shall constitute
7 a separate offense.

8 Section 2. This act shall take effect in 60 days.