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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 687 Session of  
2019

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INTRODUCED BY NEILSON, SCHLOSSBERG, McNEILL, McCLINTON, HILL-  
EVANS AND CALTAGIRONE, MARCH 5, 2019

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 5, 2019

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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.

18 "Employer." An individual, company, corporation or

1 partnership with which an employment agency contracts for the  
2 furnishing of persons for temporary employment.

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

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

11 Section 3. Disclosure of information to temporary workers.

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

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

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

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

21 (iii) The employer.

22 (iv) The department.

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

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

29 (4) The daily starting time, the duration of the  
30 position and the expected end date of the position.

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

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

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

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

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

22 (1) appointment scheduling;

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

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

26 (4) drafting or revising of correspondence.

27 Section 4. Duties of department.

28 The department shall:

29 (1) Conduct inspections and investigations necessary for  
30 the enforcement of this act.

1 (2) Promulgate rules and regulations necessary for the  
2 enforcement and administration of this act.

3 Section 5. Prohibition of certain fees.

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

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

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

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

17 (i) Bank card.

18 (ii) Debit card.

19 (iii) Payroll card.

20 (iv) Voucher.

21 (v) Draft.

22 (vi) Money order.

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

24 (4) Drug screening or testing.

25 (5) Transportation other than as provided under section  
26 3(a)(6).

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

30 (b) Deductions.--No employment agency or employer or their

1 assignee may make deductions for any fee or cost from the wages  
2 of an employee without the express written consent of the  
3 employee.

4 Section 6. Transportation.

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

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

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

20 Section 7. Prohibited actions.

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

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

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

29 (3) Placement of an employee by force, fraud or for  
30 illegal purposes.

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

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

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

10 Section 8. Posting of notice of rights.

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

17 Section 9. Violations.

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

24 Section 10. Effective date.

25 This act shall take effect in 60 days.