
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2728 Session of
2020

INTRODUCED BY FIEDLER, MULLINS, BURGOS, ZABEL, KOSIEROWSKI,
A. DAVIS, MURT, LEE, GALLOWAY, READSHAW, RAVENSTAHL,
SCHWEYER, SCHLOSSBERG, DRISCOLL, SANCHEZ, ISAACSON, KORTZ,
McNEILL, WILLIAMS, HILL-EVANS, DeLUCA, FRANKEL, MADDEN,
O'MARA, MERSKI, McCLINTON, GAINNEY, DONATUCCI, ROZZI, OTTEN,
HANBIDGE AND DEASY, JULY 30, 2020

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JULY 30, 2020

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, providing
3 for hazard pay.

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

6 Section 1. Title 35 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 7309. Hazard pay.

9 (a) Authorization.--Notwithstanding any other provision of
10 this title or law, the following employees shall be awarded
11 hazard pay:

12 (1) An essential employee of a covered employer who,
13 during the proclamation of disaster emergency issued by the
14 Governor on March 6, 2020, published at 50 Pa.B. 1644 (March
15 21, 2020), and any renewal of the state of disaster
16 emergency, is required by the covered employer to perform the

1 employee's work duties outside the employee's home. The
2 following shall apply:

3 (i) Disaster pay shall be calculated as one and a
4 half times the employee's actual pay for any period the
5 employee is required to perform the employee's work
6 duties under this paragraph.

7 (ii) An eligible employee under this paragraph shall
8 be awarded back pay, as calculated in subparagraph (i),
9 for every day the employee worked to perform the
10 employee's work duties under this paragraph, beginning on
11 March 6, 2020.

12 (iii) Hazard pay under this paragraph shall
13 terminate upon the expiration or termination of the
14 proclamation of disaster emergency issued by the Governor
15 on March 6, 2020, published at 50 Pa.B. 1644 (March 21,
16 2020), or any renewal of the state of disaster emergency.

17 (iv) The provisions of this paragraph shall not
18 apply to a bona fide executive, administrative or
19 professional individual who does not come into direct
20 contact with the public during the normal course of
21 business.

22 (2) (Reserved).

23 (b) Penalty.--A covered employer that fails to comply with
24 subsection (a) shall be subject to a penalty of not less than
25 \$10,000 per employee.

26 (c) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection unless the context clearly indicates otherwise:

29 "Covered employer." Any grocery, pharmacy, retail
30 establishment, hospitality or food services establishment or

1 other business that, nationwide, employs 250 or more employees
2 or has 20 or more locations, regardless of where the employees
3 perform work, including, but not limited to, chain
4 establishments or franchises associated with a franchisor or
5 network of franchises that employ more than 250 employees in
6 aggregate. The term includes an individual, partnership,
7 association, corporation or business trust or any person or
8 group of persons, or a successor of such, that employs an
9 individual in a retail establishment, hospitality establishment
10 or food services establishment, including a person acting
11 directly or indirectly in the interest of the employer.

12 Section 2. This act shall take effect immediately.