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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 458 Session of  
2021

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INTRODUCED BY HUGHES, TARTAGLIONE, FONTANA, KEARNEY, KANE,  
SCHWANK AND COSTA, MARCH 19, 2021

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REFERRED TO LABOR AND INDUSTRY, MARCH 19, 2021

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AN ACT

1 Amending the act of July 14, 1961 (P.L.637, No.329), entitled  
2 "An act relating to the payment of wages or compensation for  
3 labor or services; providing for regular pay days; conferring  
4 powers and duties upon the Department of Labor and Industry,  
5 including powers and duties with respect to the civil  
6 collection of wages; providing civil and criminal penalties  
7 for violations of the act; providing for their collection and  
8 disposition and providing for additional civil damages,"  
9 further providing for notification; providing for duty of  
10 employer; and imposing criminal and civil penalties.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 4 of the act of July 14, 1961 (P.L.637,  
14 No.329), known as the Wage Payment and Collection Law, is  
15 amended to read:

16 Section 4. Notification.--(a) It shall be the duty of every  
17 employer to notify his employes at the time of hiring of the  
18 time and place of payment and the rate of pay and the amount of  
19 any fringe benefits or wage supplements to be paid to the  
20 employe, a third party or a fund for the benefit of the employe  
21 and any change with respect to any of these items prior to the  
22 time of said change. Alternatively, however, every employer may

1 give such notification by posting the aforementioned facts and  
2 keeping them posted conspicuously at the employer's place of  
3 business. Further, in cases where wages, amounts of any fringe  
4 benefits or wage supplements are set forth in a bona fide  
5 collective bargaining agreement and copies of that agreement are  
6 available to employes, then this shall satisfy the employer's  
7 duty to give notice.

8 (b) It shall be the duty of every employer to provide notice  
9 to his employes at the time of hiring of a summary of this act  
10 and any regulations issued under this act applicable to the  
11 employer.

12 Section 2. The act is amended by adding a section to read:

13 Section 8.1. Duty of Employer.--(a) Every employer shall  
14 keep a summary of this act and any regulations issued under this  
15 act applicable to the employer posted in a conspicuous place  
16 where employes normally pass and can read it. Employers shall,  
17 upon request to the department, be furnished with copies of the  
18 summary without charge.

19 (b) Every employer who fails to provide notice to an employe  
20 as required under section 4(b), or fails to post in a  
21 conspicuous place a summary of this act and any regulations as  
22 required under subsection (a), shall be guilty of a summary  
23 offense and upon conviction thereof shall be punished by a fine  
24 of not more than five hundred dollars (\$500).

25 Section 3. Section 9.1(g) of the act is amended to read:

26 Section 9.1. Civil Remedies and Penalties.--\* \* \*

27 (g) [No] (1) Except as provided in clause (2), no  
28 administrative proceedings or legal action shall be instituted  
29 under the provisions of this act for the collection of unpaid  
30 wages or liquidated damages more than three years after the day

1 on which such wages were due and payable as provided in sections  
2 3 and 5.

3 (2) If an employer has failed to provide notice to an  
4 employe as required under section 4 or has failed to post a  
5 summary as required under section 8.1, the time limitation under  
6 clause (1) shall not apply. However, no administrative  
7 proceeding or legal action shall be instituted under the  
8 provisions of this act for the collection of unpaid wages or  
9 liquidated damages more than three years after the day on which  
10 such wages were due and payable, as provided in sections 3 and  
11 5, or the day on which the notice requirements under section 4  
12 or the posting requirements under section 8.1 are satisfied,  
13 whichever is later.

14 Section 4. This act shall take effect in 60 days.