

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2412 Session of 2024

INTRODUCED BY DELLOSO, RABB, SANCHEZ, ROZZI, D. MILLER, FRIEL, SHUSTERMAN, HADDOCK, SCHWEYER, PISCIOTTANO, PIELLI, HOHENSTEIN, MERSKI, KENYATTA, VENKAT, HILL-EVANS, MALAGARI, GALLAGHER, GIRAL, HARKINS, McNEILL, WARREN, MAYES, BOYD, KINKEAD, HOWARD, O'MARA, DONAHUE AND CIRESI, JUNE 12, 2024

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 25, 2024

AN ACT

1 Providing for interagency cooperation regarding employee
2 misclassification; and establishing the Employee
3 Misclassification Working Group.

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 Employee
8 Misclassification Working Group 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 "Department." The Department of Labor and Industry of the
14 Commonwealth.

15 "Secretary." The Secretary of Labor and Industry of the
16 Commonwealth.

1 "Working group." The Employee Misclassification Working  
2 Group established under section 4(a).

3 Section 3. Interagency cooperation.

4 (a) ~~Mandatory exchange~~ EXCHANGE of State tax information.-- <--  
5 Consistent with current law, the Department of Revenue ~~shall~~ MAY <--  
6 provide State tax information, upon request, to the following:

7 (1) The department's Office of Unemployment Compensation  
8 Tax Services.

9 (2) For the purposes of assessing or investigating  
10 employee misclassification, the department's:

11 (i) Bureau of Workers' Compensation.

12 (ii) Bureau of Labor Law Compliance.

13 (iii) Office of Unemployment Compensation Services  
14 Centers.

15 (iv) Office of Unemployment Compensation Benefits  
16 Policy.

17 (b) Sharing information.--Nothing in this act shall limit or  
18 affect the Department of Revenue and the department from sharing  
19 information as otherwise allowed by law.

20 (c) Federal employer identification numbers.--To ensure the  
21 efficiency of the exchange of State tax information under this  
22 section, the State agency business applications shall include  
23 and use Federal employer identification numbers to identify  
24 business entities and streamline compliance crossmatches.

25 Section 4. Employee Misclassification Working Group.

26 (a) Establishment.--The Employee Misclassification Working  
27 Group is established to coordinate enforcement strategies  
28 involving State agencies and employee misclassification.

29 (b) Composition.--

30 (1) At a minimum, the working group shall include

1 representatives from the department, the Department of  
2 Revenue and the Office of Attorney General.

3 (2) Representatives from county district attorneys'  
4 offices and local labor law enforcement offices may  
5 participate in the activities of the working group.

6 (c) Chairperson.--

7 (1) A representative designated by the secretary shall  
8 serve as the chairperson of the working group.

9 (2) The chairperson of the working group may invite  
10 other individuals to participate in the activities of the  
11 working group.

12 (d) Meetings.--The working group shall meet at least  
13 quarterly at the time and location and in the manner provided by  
14 the chairperson of the working group. The working group may meet  
15 more often if deemed necessary by the chairperson of the working  
16 group.

17 Section 5. Effective date.

18 This act shall take effect in 60 days.