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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 987 Session of  
2023

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INTRODUCED BY HUGHES, KANE, TARTAGLIONE, L. WILLIAMS, FONTANA,  
BREWSTER, HAYWOOD, COMMITTA, COSTA, SAVAL, CAPPELLETTI AND  
KEARNEY, NOVEMBER 28, 2023

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REFERRED TO LABOR AND INDUSTRY, NOVEMBER 28, 2023

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AN ACT

1 Providing for notification of wage theft and for protection for  
2 employees who report wage theft; imposing duties on the  
3 Department of Labor and Industry; establishing the Wage Theft  
4 Notification and Protection Restricted Account; and imposing  
5 penalties and other relief.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Wage Theft  
10 Notification and Protection Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Account." The Wage Theft Notification and Protection  
16 Restricted Account established under section 8.

17 "Construction Workplace Misclassification Act." The act of  
18 October 13, 2010 (P.L.506, No.72), known as the Construction  
19 Workplace Misclassification Act.

1 "Department." The Department of Labor and Industry of the  
2 Commonwealth.

3 "Employee." As the term "employee" is defined in The Minimum  
4 Wage Act.

5 "Employer." An employer as defined in the Wage Payment and  
6 Collection Law or The Minimum Wage Act.

7 "Secretary." The Secretary of Labor and Industry of the  
8 Commonwealth or the secretary's authorized representative.

9 "The Minimum Wage Act." The act of January 17, 1968 (P.L.11,  
10 No.5), known as The Minimum Wage Act of 1968.

11 "Wage Payment and Collection Law." The act of July 14, 1961  
12 (P.L.637, No.329), known as the Wage Payment and Collection Law.

13 "Wage theft." The failure to pay, withholding or  
14 deprivation, including the aiding thereof, of wages, gratuities,  
15 benefits or other compensation, lawfully due to an employee  
16 under the Wage Payment and Collection Law, The Minimum Wage Act,  
17 the Construction Workplace Misclassification Act or other State  
18 law regulating wages, gratuities, benefits or other compensation  
19 lawfully due to employees.

20 Section 3. Notice.

21 (a) General rule.--An employer shall provide notice to its  
22 employees no later than 90 days from the effective date of this  
23 section, or at the time of hiring, of a plain-language, simple  
24 and easy-to-understand summary on wage theft. The summary shall  
25 include:

26 (1) Examples of wage theft.

27 (2) Citations to State law applicable to the examples.

28 (3) Remedies and penalties applicable to the examples of  
29 wage theft.

30 (4) A statement indicating that wage theft is not

1 limited to the examples and how to access information on  
2 other types of violations.

3 (5) Information indicating how to report wage theft and  
4 limitations for filing a complaint.

5 (6) Employee protections for reporting wage theft and  
6 participating in a related investigation.

7 (7) A reference to the requirements, penalties and  
8 protections established under this act.

9 (8) Any other information deemed necessary by the  
10 department.

11 (b) Availability of information.--The department shall  
12 develop and make available to employers on the department's  
13 publicly accessible Internet website the summary described under  
14 subsection (a). The department shall furnish, on request by an  
15 employer, a copy of the summary without charging a fee.

16 Section 4. Additional notice requirements.

17 (a) General rule.--An employer shall:

18 (1) post the summary described under section 3(a) at the  
19 workplace in a conspicuous place where employees normally  
20 pass and can read it; or

21 (2) make the summary continuously available to employees  
22 through a website, intranet, mobile application or other  
23 electronic or Internet service regularly used by the employer  
24 to communicate with employees. Employees must be notified  
25 that the notice is available electronically, including how to  
26 access it.

27 (b) Updates to information.--The department shall update as  
28 necessary the summary described under section 3(a) and post the  
29 updated summary on its publicly accessible Internet website in  
30 downloadable format. An employer shall, within 120 days of the

1 date on which the department posts the updated summary on its  
2 publicly accessible Internet website, update the notices  
3 required under subsection (a) and section 3(a).

4 Section 5. Criminal penalties.

5 An employer that fails to provide notice to an employee as  
6 required under section 3(a), fails to comply with the  
7 requirements of section 4(a) and (b) or is found to be in  
8 violation of section 7(a) when a criminal penalty for the  
9 violation is not provided for under existing State law or  
10 regulation, commits a summary offense and, upon conviction,  
11 shall be sentenced to pay a fine of not more than \$500.

12 Section 6. Administrative penalties and civil enforcement.

13 (a) General rule.--If the secretary finds that an employer  
14 has violated this act and an administrative penalty for the  
15 violation is not provided for under existing State law or  
16 regulation, the secretary may assess and collect a civil penalty  
17 of not more than \$500 per violation.

18 (b) Factors to be considered.--When determining the amount  
19 of the penalty to be imposed, the secretary shall consider  
20 factors, including, but not limited to:

21 (1) The history of previous violations.

22 (2) The good faith of the employer.

23 (3) The size of the employer's business.

24 (c) Use of penalty funds.--Penalties collected under this  
25 section shall be paid into the account.

26 (d) Enforcement proceedings.--The secretary may enforce this  
27 act in an enforcement proceeding authorized by and brought under  
28 The Minimum Wage Act, the Wage Payment and Collection Law, the  
29 Construction Workplace Misclassification Act or other State law  
30 regulating wages, gratuities, benefits or other compensation

1 lawfully due to employees.

2 Section 7. Retaliation prohibited.

3 (a) General rule.--It shall be unlawful for an employer or  
4 officer or agent of an employer to take adverse action against a  
5 person in retaliation for exercising rights protected under this  
6 act, The Minimum Wage Act, the Wage Payment and Collection Law,  
7 the Construction Workplace Misclassification Act or other State  
8 law regulating wages, gratuities, benefits or other compensation  
9 lawfully due to employees. Rights protected under this section  
10 include, but are not limited to, the right to file a complaint,  
11 participate in an investigation or to inform any person about  
12 the provisions of, or an employer's noncompliance with, this  
13 act, The Minimum Wage Act, the Wage Payment and Collection Law,  
14 the Construction Workplace Misclassification Act or other State  
15 law regulating wages, gratuities, benefits or other compensation  
16 lawfully due to employees.

17 (b) Rebuttable presumption.--Adverse action against a person  
18 within 90 days of the person's exercise of a right protected  
19 under this act, The Minimum Wage Act, the Wage Payment and  
20 Collection Law, the Construction Workplace Misclassification Act  
21 or other State law regulating wages, gratuities, benefits or  
22 other compensation lawfully due to employees, shall raise a  
23 rebuttable presumption of having done so in retaliation for the  
24 exercise of the right.

25 (c) Relief authorized.--The secretary may order any relief  
26 necessary to make an employee whole for retaliation, including,  
27 but not limited to, payment of lost wages and benefits,  
28 reinstatement or other equitable relief.

29 Section 8. Wage Theft Notification and Protection Restricted  
30 Account.

1 The Wage Theft Notification and Protection Restricted Account  
2 is established as a restricted account within the General Fund.  
3 The money in the restricted account is appropriated to the  
4 department on a continuing basis for the purposes of  
5 administering this act, The Minimum Wage Act, the Wage Payment  
6 and Collection Law, the Construction Workplace Misclassification  
7 Act or other State law regulating wages, gratuities, benefits or  
8 other compensation lawfully due to employees.

9 Section 9. Report.

10 By July 31, 2026, and every year thereafter, the department  
11 shall submit a report to the chairperson and minority  
12 chairperson of the Labor and Industry Committee of the Senate  
13 and the chairperson and minority chairperson of the Labor and  
14 Industry Committee of the House of Representatives. The report  
15 shall be posted on the department's publicly accessible Internet  
16 website. The report shall contain information on violations  
17 under this act from the preceding calendar year. The report  
18 shall also contain information on wage theft violations from the  
19 preceding calendar year, including:

20 (1) The total number of violations.

21 (2) A listing of employers classified by the nature of  
22 the violations and business industry.

23 (3) A brief description of the violations for the  
24 employers listed.

25 (4) The total number of workers impacted under each  
26 violation classification.

27 (5) The total amount of wages and tax revenue unlawfully  
28 withheld from the violations.

29 (6) A listing of other forms of compensation unlawfully  
30 withheld from the violations.

1           (7) A summary of enforcement actions collectively taken  
2           in response to the violations.

3           (8) Other information deemed necessary by the  
4           department.

5 Section 10. Effective date.

6           This act shall take effect in four months.