

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 942 Session of 2023

INTRODUCED BY KINKEAD, KIM, MADDEN, DELLOSO, RABB, HILL-EVANS, McNEILL, SCHLOSSBERG, PARKER, SANCHEZ, KINSEY, D. WILLIAMS, KHAN, BURGOS, TAKAC, KENYATTA, CIRESI, CONKLIN, HADDOCK, DEASY, GREEN, WARREN, SCHWEYER, INNAMORATO, FIEDLER, MALAGARI, NEILSON, MAYES, ISAACSON, HOWARD AND SIEGEL, APRIL 17, 2023

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 17, 2023

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

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

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

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

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

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

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

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

29 (g) **[No]** (1) Except as provided in paragraph (2), no  
30 administrative proceedings or legal action shall be instituted

1 under the provisions of this act for the collection of unpaid  
2 wages or liquidated damages more than three years after the day  
3 on which such wages were due and payable as provided in sections  
4 3 and 5.

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

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