
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 611 Session of
2021

INTRODUCED BY A. DAVIS, SANCHEZ, LEE, HILL-EVANS, HOHENSTEIN,
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FEBRUARY 24, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 24, 2021

AN ACT

1 Establishing the Direct Care Worker Wage Advisory Board and
2 providing for its powers and duties; providing for minimum
3 wage for direct care workers and for a direct care worker
4 registry; and imposing penalties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Good Jobs for
9 Quality Care Act.

10 Section 2. Definitions.

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

14 "Board." The Direct Care Worker Wage Advisory Board
15 established under section 3(a).

16 "Department." The Department of Human Services of the
17 Commonwealth.

18 "Direct care worker." An individual employed in long-term

1 care in a home setting, community-based facility or a nursing
2 home, providing hands-on care, services and support to elderly
3 individuals and individuals with disabilities. The term includes
4 the following:

- 5 (1) Personal care aides.
- 6 (2) Home health aides.
- 7 (3) Nursing assistants.
- 8 (4) Certified nursing assistants.
- 9 (5) Attendants.
- 10 (6) Assisted living aides.
- 11 (7) Home health aides.
- 12 (8) Home care aides.
- 13 (9) Nurse aides.
- 14 (10) Program assistants.

15 "Direct care worker organization." An organization that
16 represents direct care workers in which direct care workers
17 participate and which exists for the purpose, in whole or in
18 part, of dealing with employers concerning grievances, labor
19 disputes, wages, rates of pay, hours of employment or conditions
20 of work. The term does not include labor organizations which, by
21 ritualistic practice, constitutional or by-law proscription, by
22 tacit agreement among its members, or otherwise, denies a person
23 membership in its organization on account of race, creed, color
24 or political affiliation.

25 "Secretary." The Secretary of Human Services of the
26 Commonwealth.

27 "Wage." Compensation for a direct care worker by reason of
28 the direct care worker's employment, payable in legal tender of
29 the United States or checks on banks convertible into cash on
30 demand at full face value, subject to deductions, charges or

1 allowances as may be permitted by regulations of the secretary
2 under this act.

3 Section 3. Direct Care Worker Wage Advisory Board.

4 (a) Establishment.--The Direct Care Worker Wage Advisory
5 Board is established within the department to examine challenges
6 to recruiting and retaining direct care workers, including
7 compensation, work schedules and other working conditions, and
8 to recommend regulations for the industry.

9 (b) Composition of board.--The board shall consist of the
10 following members:

11 (1) The secretary, or a representative of the secretary.

12 (2) The Secretary of Labor and Industry, or a
13 representative of the Secretary of Labor and Industry.

14 (3) The following members, who must be residents of this
15 Commonwealth, appointed by the secretary:

16 (i) One member who represents an established,
17 recognized direct care worker organization.

18 (ii) One member who is a direct care worker at a
19 nursing home.

20 (iii) One member who is a direct care worker
21 employed as a home care services provider.

22 (iv) One member who is a nursing home employer.

23 (v) One member who is a home care employer.

24 (vi) One member who represents the interests of
25 individuals receiving direct care worker services.

26 (vii) One member who represents providers of direct
27 care workforce development and training for direct care
28 workers.

29 (c) Recommendations.--The secretary shall solicit
30 recommendations of qualified individuals for board membership

1 from any source, including a direct care worker organization
2 that maintains a membership of at least 1,000 members. If the
3 secretary does not receive a sufficient number of
4 recommendations, the secretary may appoint any remaining
5 positions on the board, in any combination, from the following:

6 (1) An employer who employs direct care workers.

7 (2) A labor organization that represents the interests
8 of direct care workers.

9 (3) A representative of a direct care facility or other
10 facility that is responsible for individuals receiving long-
11 term care services.

12 (d) Term.--A board member appointed under subsection (b) (1)
13 or (2) shall serve a term concurrent with the member's term of
14 office or concurrent with the term of office of the member's
15 appointing official. A board member appointed under subsection
16 (b) (3) shall serve a term of two years and until a successor is
17 appointed. A member of the board may be reappointed. After the
18 appointment of the initial board members, successor board
19 members under subsection (b) (3) shall be appointed by a majority
20 vote of the board members, before the expiration of the term of
21 a member, but not later than January 1 of each even-numbered
22 year.

23 Section 4. Powers and duties of board.

24 (a) General rule.--The board shall:

25 (1) Consult with the secretary and make findings
26 regarding factors that may contribute to a shortage of
27 skilled direct care workers, including:

28 (i) Compensation rates.

29 (ii) Lack of health care benefits or other paid
30 benefits, including paid family leave, sick leave or

1 retirement benefits.

2 (2) Make recommendations regarding:

3 (i) A compensation schedule for direct care workers
4 and increases to the hourly minimum wage paid to direct
5 care workers.

6 (ii) Uniform standards for training and education
7 for direct care workers.

8 (iii) Improvements to working conditions, including
9 work schedules and workplace standards relating to
10 safety.

11 (3) Submit to the General Assembly no later than
12 December 31 of each year a report that includes the findings
13 and recommendations of the board. The board shall include in
14 the annual report the recommended compensation schedule
15 described in paragraph (2) (i).

16 (4) Receive complaints from direct care workers and
17 refer complaints to the appropriate State agency or law
18 enforcement agency.

19 (b) Public meetings.--The meetings of the board shall be
20 open to the public under 65 Pa.C.S. § 704 (relating to open
21 meetings).

22 (c) Advisors.--The board may employ a professional
23 researcher to serve in an advisory capacity to the board. The
24 board may employ and compensate employees and other advisors as
25 the board deems necessary and appropriate.

26 (d) Compensation and expenses.--The following shall apply:

27 (1) Members of the board shall receive compensation as
28 the board determines is necessary and shall be reimbursed for
29 reasonable expenses incurred in the exercise of board duties.

30 (2) An employer of a direct care worker who serves as a

1 member of the board shall grant reasonable leave to the
2 worker to participate in board activities without loss of
3 compensation.

4 (3) An employer may not penalize or retaliate against a
5 direct care worker because of the worker's participation in
6 any of the activities of the board.

7 (4) The secretary may assess a civil penalty in an
8 amount determined by the secretary against an employer who
9 violates this subsection. Money collected as penalties under
10 this paragraph shall be paid to the department to reimburse
11 the board for the costs incurred by the board in performing
12 its duties.

13 Section 5. Minimum wage.

14 (a) General rule.--Upon consideration of the compensation
15 schedule submitted under section 4(a)(3), the secretary shall
16 establish by regulation a minimum wage rate at which direct care
17 workers shall be paid, provided that the rate established by the
18 secretary is not less than the hourly minimum wage rate that is
19 required under the act of January 17, 1968 (P.L.11, No.5), known
20 as The Minimum Wage Act of 1968.

21 (b) Limitation.--Once the minimum wage rate is established
22 under subsection (a), the rate may not be lowered unless
23 approved by a unanimous vote of the board.

24 (c) Penalties.--An employer who fails to pay the minimum
25 wage rate established under subsection (a) shall be subject to a
26 fine of \$1,000 for the first violation, \$5,000 for the second
27 violation and \$10,000 for each subsequent violation to be
28 assessed by the department.

29 (d) Civil actions.--If a direct care worker is paid by the
30 employer of the direct care worker less than the minimum wage

1 rate established in subsection (a), the direct care worker may
2 recover in a civil action the full amount of the minimum wage
3 rate, less any amount actually paid to the worker by the
4 employer, together with costs and reasonable attorney fees as
5 may be allowed by the court.

6 Section 6. Registry.

7 (a) Registry.--The board shall create a registry of direct
8 care workers in this Commonwealth. An employer of a direct care
9 worker shall provide quarterly to the registry contact
10 information for the direct care worker and the direct care
11 worker's workplace, including a telephone number and e-mail
12 address, and other information as determined by the board.

13 (b) Registry access.--The following shall apply:

14 (1) The registry shall only be available to direct care
15 worker organizations. A direct care worker organization and
16 direct care workers are permitted to communicate for purposes
17 of the registry.

18 (2) It is a violation for an employer to not permit
19 communication between a direct care worker organization and
20 direct care workers under paragraph (1).

21 (3) Registry information shall be exempt from access
22 under the act of February 14, 2008 (P.L.6, No.3), known as
23 the Right-to-Know Law.

24 (4) For a violation of this subsection, the department
25 may assess a penalty of \$1,000 for the first violation,
26 \$5,000 for the second violation and \$10,000 for each
27 subsequent violation.

28 Section 7. Voluntary deduction of dues.

29 (a) General rule.--Within 30 days of receipt of a written
30 affirmation of a direct care worker, an employer shall make

1 deductions from the direct care worker's paycheck and remit the
2 deductions to the direct care worker organization. A direct care
3 worker organization shall provide any necessary information to
4 the employer in order to receive paycheck deductions from an
5 employer.

6 (b) Violations.--An employer who fails to comply with
7 subsection (a) shall be subject to a fine of \$1,000 for a first
8 violation, \$5,000 for a second violation and \$10,000 for each
9 subsequent violation to be assessed by the department.

10 Section 8. Regulations.

11 The department may promulgate rules and regulations as
12 necessary to administer and enforce this act.

13 Section 9. Effective date.

14 This act shall take effect immediately.