

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 945 Session of 2023

INTRODUCED BY KINKEAD, KIM, MADDEN, DELLOSO, RABB, HILL-EVANS, McNEILL, SCHLOSSBERG, PARKER, SANCHEZ, KINSEY, D. WILLIAMS, BURGOS, TAKAC, KENYATTA, CONKLIN, KHAN, 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 January 17, 1968 (P.L.11, No.5), entitled
 2 "An act establishing a fixed minimum wage and overtime rates
 3 for employes, with certain exceptions; providing for minimum
 4 rates for learners and apprentices; creating a Minimum Wage
 5 Advisory Board and defining its powers and duties; conferring
 6 powers and imposing duties upon the Department of Labor and
 7 Industry; imposing duties on employers; and providing
 8 penalties," further providing for penalties.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 12 of the act of January 17, 1968
 12 (P.L.11, No.5), known as The Minimum Wage Act of 1968, is
 13 amended to read:

14 Section 12. Penalties.--(a) Any employer and his or her
 15 agent, or the officer or agent of any corporation, who
 16 discharges or in any other manner discriminates against any
 17 employe because such employe has testified or is about to
 18 testify before the secretary or his or her representative in any
 19 investigation or proceeding under or related to this act, or

1 because such employer believes that said employe may so testify
2 shall, upon conviction thereof in a summary proceeding, be
3 sentenced to pay a fine of not less than [five hundred dollars
4 (\$500) nor more than one thousand dollars (\$1,000)] one thousand
5 five hundred dollars (\$1,500) nor more than three thousand
6 dollars (\$3,000), and in default of the payment of such fine and
7 costs, shall be sentenced to imprisonment for not less than ten
8 days nor more than ninety days.

9 (b) Any employer or the officer or agent of any corporation
10 who pays or agrees to pay any employe less than the rates
11 applicable to such employe under this act shall, upon conviction
12 thereof [in a summary proceeding, be sentenced to pay a fine of
13 not less than seventy-five dollars (\$75) nor more than three
14 hundred dollars (\$300) or to undergo imprisonment of not less
15 than ten nor more than sixty days, or both.], be sentenced to
16 the following:

17 (1) A summary offense for a first offense if the total
18 wages due were less than one hundred fifty dollars (\$150).

19 (2) A misdemeanor of the second degree for a second
20 offense and if the total wages due were less than one hundred
21 fifty dollars (\$150).

22 (3) A misdemeanor of the first degree for a first or
23 second offense if the total wages due were more than one
24 hundred fifty dollars (\$150).

25 (4) A felony of the third degree for a third or
26 subsequent offense regardless of the total amount of wages
27 due.

28 (b.1) Each week in which such employe is paid less than the
29 rate applicable to him or her under this act and for each
30 employe who is paid less than the prescribed rate, a separate

1 offense shall be deemed to occur. Any agreement between the
2 employer and the employe to work for less than the applicable
3 wage rate shall be no defense to action by the Commonwealth
4 under this section.

5 (c) Any employer or the officer or agent of any corporation
6 who violates any other provision of this act or of any
7 regulation issued thereunder shall, upon conviction thereof in a
8 summary proceeding, be sentenced to pay a fine of not less than
9 [one hundred dollars (\$100) nor more than five hundred dollars
10 (\$500)] three hundred dollars (\$300) nor more than one thousand
11 five hundred dollars (\$1,500), and each day of such failure to
12 comply with this act or regulation, shall constitute a separate
13 offense.

14 Section 2. This act shall take effect in 60 days.