

AMENDMENTS TO HOUSE BILL NO. 1500

Sponsor: REPRESENTATIVE ROWE

Printer's No. 1534

1 Amend Bill, page 1, line 8, by striking out "and" and
2 inserting a comma

3 Amend Bill, page 1, line 9, by inserting after "wages"
4 , for penalties and for civil actions

5 Amend Bill, page 1, lines 12 through 14, by striking out all
6 of said lines and inserting

7 Section 1. Section 3(d) of the act of January 17, 1968
8 (P.L.11, No.5), known as The Minimum Wage Act of 1968, is
9 amended to read:

10 Amend Bill, page 3, by inserting between lines 16 and 17

11 Section 2. Section 4(a) of the act is amended and the
12 section is amended by adding a subsection to read:

13 Amend Bill, page 4, by inserting between lines 28 and 29

14 (f) In lieu of the minimum wage prescribed in subsection (a)
15 and section 5(c) and notwithstanding subsections (b) and (d), an
16 employer may pay an individual a rate of not less than the
17 minimum wage set forth in 29 U.S.C. § 206(a) (relating to
18 minimum wage) if the individual signs an agreement acknowledging
19 all of the following:

20 (1) The individual is entitled to a higher rate of pay under
21 this act.

22 (2) The individual, of the individual's own free will, has
23 agreed to be paid a lower rate.

24 (3) The employer has not coerced the individual to sign the
25 agreement.

26 Section 3. Sections 12(b) and 13 of the act are amended to
27 read:

28 Section 12. Penalties.--* * *

29 (b) Any employer or the officer or agent of any corporation
30 who pays or agrees to pay any employe less than the rates
31 applicable to such employe under this act shall, upon conviction
32 thereof in a summary proceeding, be sentenced to pay a fine of

1 not less than seventy-five dollars (\$75) nor more than three
2 hundred dollars (\$300) or to undergo imprisonment of not less
3 than ten nor more than sixty days, or both. Each week in which
4 such employe is paid less than the rate applicable to him or her
5 under this act and for each employe who is paid less than the
6 prescribed rate, a separate offense shall be deemed to occur.
7 [Any] Except as provided under section 4(f), any agreement
8 between the employer and the employe to work for less than the
9 applicable wage rate shall be no defense to action by the
10 Commonwealth under this section.

11 * * *

12 Section 13. Civil Actions.--If any employe is paid by his or
13 her employer less than the minimum wages provided by section 4
14 of this act or by any regulation issued thereunder, such worker
15 may recover in a civil action the full amount of such minimum
16 wage less any amount actually paid to the worker by the
17 employer, together with costs and such reasonable attorney's
18 fees as may be allowed by the court[,], and, except as provided
19 under section 4(f), and any agreement between the employer and
20 the worker to work for less than such minimum wage shall be no
21 defense to such action. At the request of any employe paid less
22 than the minimum wage to which such employe was entitled under
23 this act and regulations issued thereunder, the secretary may
24 take an assignment of such wage claim, in trust for the
25 assigning worker and may bring any legal action necessary to
26 collect such claim, and the employer shall be required to pay
27 the cost and such reasonable attorney's fees as may be allowed
28 by the court.

29 Amend Bill, page 4, line 29, by striking out "2" and
30 inserting

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