
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2043 Session of
2014

INTRODUCED BY NEILSON, CLAY, BISHOP, YOUNGBLOOD, O'BRIEN,
THOMAS, COHEN, PAINTER, W. KELLER, CALTAGIRONE, FRANKEL,
MOLCHANY, BIZZARRO, PARKER, SCHREIBER, SCHLOSSBERG, MCNEILL,
CRUZ, K. BOYLE, MULLERY AND MAHONEY, FEBRUARY 24, 2014

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 24, 2014

AN ACT

1 Providing for the protection of a temporary employee's right to
2 know and ensuring fairness in the job marketplace.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Temporary
7 Workers Employee Right-to-Know Act.

8 Section 2. Definitions.

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

12 "Department." The Department of Labor and Industry of the
13 Commonwealth.

14 "Employee." A person who is employed directly through the
15 efforts of an employment agency to perform onsite work for an
16 employer for a period of one year or less that expires on a
17 specific date.

1 "Employer." An individual, company, corporation or
2 partnership with which an employment agency contracts for the
3 furnishing of persons for temporary employment.

4 "Employment agency." A vendor engaged in the business of
5 providing the service of attempting to procure or procuring
6 temporary employment for prospective employees or employers,
7 such as placing services or labor contractor employment
8 agencies. This does not include collective bargaining by labor
9 unions.

10 "Temporary worker." An employee whose employment will last
11 one year or less and will expire on a specific date.

12 Section 3. Disclosure of information to temporary workers.

13 (a) General rule.--Where an employment agency is seeking
14 applications for employees, the employment agency shall provide
15 to each applicant notice of all of the following:

16 (1) The full name, address and telephone number of all
17 of the following:

18 (i) The employment agency or the employment agency
19 agent in charge of the placement.

20 (ii) The employment agency's workers compensation
21 carrier.

22 (iii) The employer.

23 (iv) The department.

24 (2) A full and complete description of the position,
25 including any requirement or special clothing, equipment,
26 training or licenses and any costs charged to the employee
27 for supplies or training.

28 (3) The hourly rate of pay, if overtime pay may be
29 available and the designated pay day.

30 (4) The daily starting time, the duration of the

1 position and the expected end date of the position.

2 (5) Whether the employment agency of employer will
3 provide meals to the employee and, if so, whether there will
4 be a charge to the employee.

5 (6) Details of worksite transportation, including any
6 fees to be charged to the employee by the employment agency
7 for this service.

8 (b) Form of notice.--An employment agency may communicate
9 the information required under subsection (a) via telephone or
10 may direct an employee to an open position notice. The
11 employment agency shall confirm the information in writing with
12 the employee prior to the end of the first pay period.

13 (c) Change in terms of employment.--Any change in the
14 initial terms of employment shall be communicated immediately to
15 the employee verbally and in writing with acknowledgment of the
16 changes by the employee.

17 (d) Applicability.--The provisions of this section shall not
18 apply to professional employees as defined in 29 U.S.C. § 152
19 (relating to definitions) or to administrative assistants whose
20 primary duties are defined by the Bureau of Labor Statistics of
21 the United States Department of Labor as consisting of one or
22 more of the following:

23 (1) appointment scheduling;

24 (2) maintenance, organization or creation of paper and
25 electronic files;

26 (3) provision of information to callers and visitors; or

27 (4) the drafting or revising of correspondence.

28 Section 4. Duties of department.

29 The department shall:

30 (1) Conduct inspections and investigations necessary to

1 the enforcement of this act.

2 (2) Promulgate rules and regulations necessary to the
3 enforcement and administration of this act.

4 Section 5. Prohibition of certain fees.

5 (a) Prohibition.--An employment agency shall not charge or
6 accept a fee from an employee for any of the following:

7 (1) The registration costs or any costs associated with
8 the attainment of employment.

9 (2) Goods or services not specifically set forth in the
10 terms of the written contract between the employment agency
11 and the employee and presented in a language understandable
12 to the employee that makes clear that the purchase of the
13 contract is completely voluntary and provides that the
14 employment agency is not to make a profit from any cost
15 charged to the employee.

16 (3) The provision of any of the following in amounts
17 that exceed the actual cost per employee or applicant:

18 (i) Bank card.

19 (ii) Debit card.

20 (iii) Payroll card.

21 (iv) Voucher.

22 (v) Draft.

23 (vi) Money order.

24 (vii) Any similar form of payment or wages.

25 (4) Drug screening or testing.

26 (5) Transportation other than as provided in section
27 3(a)(6).

28 (6) Goods and services for which payment of the amount
29 would result in the employee earning less than the current
30 applicable minimum wage.

1 (b) Deductions.--No employment agency, employer, or
2 employment agency's or employer's agent or assignee may make
3 deductions for any fee or cost from the wages of an employee
4 without the express written consent of the employee.

5 Section 6. Transportation.

6 (a) Fee limits.--If transportation services are offered to
7 employees by an employment agency, employer or the employment
8 agency's or employer's agent or assignee and a fee or charge is
9 assigned, the fee or charge to the employee may not exceed the
10 actual cost of the transportation to and from the designated
11 worksite. Transportation service charges or fees to employees
12 may not exceed 3% of an employee's total daily wages earned nor
13 reduce an employee's daily wages to an amount below the minimum
14 wage earned per day.

15 (b) Mandatory transportation.--If an employee is required to
16 utilize the transportation services provided by an employment
17 agency or employer, no fee may be charged.

18 (c) Refund.--An employment agency or employer who dispatches
19 an employee to a job site where there is no work shall refund in
20 full to the employee any charge or fee withheld for
21 transportation to the job site.

22 Section 7. Prohibited actions.

23 An employment agency is prohibited from all of the following
24 actions:

25 (1) The purposeful and knowledgeable distribution,
26 issuance, circulation or provision of false, fraudulent or
27 misleading information, statements, notices, advertisements
28 or promises to any employee or applicant.

29 (2) The use of a name that has not been registered with
30 the department in the advertising or posting of its services.

1 (3) Placement of an employee by force, fraud or for
2 illegal purposes.

3 (4) Placement of an employee where the employment is in
4 violation of the act of January 17, 1968 (P.L.11, No.5),
5 known as The Minimum Wage Act of 1968, as they apply to
6 minimum wage, prevailing wage, child labor, compulsory school
7 attendance or required licensing and certification.

8 (5) Placement of an employee in any location currently
9 under strike or lockout without prior notification to
10 employee.

11 (6) Refusing to return any personal property, cost or
12 fee charged or accepted by an employment agency in excess of
13 amounts allowed under this act.

14 Section 8. Posting of notice of rights.

15 The employment agency shall be required to post in a
16 conspicuous place in each location where it does business notice
17 of an employee's rights under this act as well as the name and
18 telephone number of the department. The department shall provide
19 to the employment agency a sample notice meeting the
20 requirements of this section in English, as well as a
21 translation in Spanish.

22 Section 9. Violations.

23 An employment agency or employer found to be in violation of
24 any provision of this act shall be subject upon conviction to a
25 fine of not greater than \$25,000 or imprisonment for not more
26 than one year, or both, for the first offense. Subsequent
27 violations will result in a fine of not greater than \$50,000 and
28 imprisonment for not more than two years, or both.

29 Section 10. Effective date.

30 This act shall take effect in 60 days.