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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2474 Session of  
2018

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INTRODUCED BY STEPHENS, JUNE 8, 2018

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 8, 2018

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in preemptions, providing for  
3 prevention of workplace violence.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 305. Prevention of workplace violence.

9 (a) Employer rights.--An employer shall have the right, at  
10 the employer's discretion, to implement a workplace violence  
11 policy or any workplace violence prevention measure to provide  
12 for the safety of employees provided in compliance with  
13 applicable Federal and State law.

14 (b) Preemption.--The following shall apply:

15 (1) This section shall preempt and supersede any  
16 municipal ordinance, rule, policy or licensure requirement  
17 concerning the subject matter of this section.

18 (2) An ordinance, rule, policy or licensure requirement  
19 enacted by a municipality which regulates or restricts

1 workplace violence policies or any workplace violence  
2 prevention measure is void.

3 (3) There shall be a rebuttable presumption that a  
4 municipal ordinance, rule, policy or licensure requirement is  
5 preempted by this section, if the workplace violence policy  
6 or workplace violence prevention measure:

7 (i) is not prohibited by Federal or State law; and

8 (ii) is consistent with recommendations issued by  
9 the United States Occupational Safety and Health  
10 Administration.

11 (4) This subsection shall not apply to a mandate enacted  
12 by a municipality affecting an employee or class of employees  
13 of the municipality itself.

14 (c) Definitions.--As used in this section, the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection unless the context clearly indicates otherwise:

17 "Employee." Includes any individual employed by an employer.

18 "Employer." Includes any individual, partnership,  
19 association, corporation, business trust, the Commonwealth, an  
20 agency, authority or instrumentality of the Commonwealth, a  
21 political subdivision, an agency, authority or instrumentality  
22 of a political subdivision, or a person or group of persons  
23 acting, directly or indirectly, in the interest of an employer  
24 in relation to any employee.

25 "Workplace violence." Violence, a threat of violence,  
26 harassment, intimidation or extremely disruptive behavior by a  
27 person against an employee which occurs during the course of the  
28 employee's employment or as the result of the employment.

29 "Workplace violence policy." A written policy created by an  
30 employer to provide for workplace rules and procedures intended

1 to prevent or respond to workplace violence.

2 "Workplace violence prevention measure." An action taken by  
3 an employer for the purpose of preventing or reducing the  
4 incidence or severity of workplace violence. The term includes,  
5 but is not limited to:

6 (1) Providing training for employees with regard to the  
7 employer's workplace violence policy or general training on  
8 how to prevent and respond to workplace violence.

9 (2) Hiring or retaining security personnel to provide  
10 protection from workplace violence.

11 (3) Deploying electronic security systems, alarms,  
12 surveillance systems or other electronic measures intended to  
13 identify, monitor or make employees aware of potential  
14 workplace violence.

15 (4) Physically modifying the employer's premises or  
16 restricting access to certain parts of the premises in a  
17 manner intended to provide for the protection of employees.

18 (5) Installing barriers, locks, doors, bulletproof or  
19 bullet-resistant windows or other obstructions, partitions or  
20 any other physical deterrent intended to provide for the  
21 protection of employees.

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