
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 861 Session of
2017

INTRODUCED BY GROVE, BLOOM, PHILLIPS-HILL, ORTITAY, DUNBAR,
IRVIN, RYAN, MCGINNIS, ROTHMAN, MOUL, COX AND ZIMMERMAN,
MARCH 16, 2017

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 16, 2017

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in preemptions, providing for employer
3 mandates by municipalities.

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. Employer mandates by municipalities.

9 (a) Regulation or enforcement prohibited.--Notwithstanding
10 any other law to the contrary, a municipality may not in any
11 manner regulate employer policies or practices or enforce any
12 mandate regarding employer policies or practices.

13 (b) Applicability.--This section shall not apply to a
14 mandate enacted by a municipality affecting an employee or class
15 of employees of the municipality itself.

16 (c) Effect.--

17 (1) This section shall not be construed to invalidate an
18 ordinance, rule or policy enacted by a municipality prior to

1 January 1, 2015.

2 (2) An ordinance, rule or policy enacted by a
3 municipality on or after January 1, 2015, in violation of
4 subsection (a) is void.

5 (d) Relief.--If, on or after January 1, 2015, a municipality
6 enacts an ordinance, rule or policy in violation of subsection
7 (a), a person adversely affected may seek declaratory or
8 injunctive relief and actual damages in an appropriate court.

9 (e) Reasonable expenses.--

10 (1) The court shall award reasonable expenses to a
11 person adversely affected by a violation of subsection (a) in
12 any of the following circumstances:

13 (i) A final determination is granted by the court in
14 favor of the person adversely affected.

15 (ii) The underlying ordinance, rule or policy is
16 rescinded, repealed or otherwise abrogated after an
17 action has been filed under subsection (d) but before the
18 final determination by the court.

19 (2) If a person eligible for relief under subsection (d)
20 provides at least 30 days' written notice to the municipality
21 of the intention to file an action under subsection (d) and
22 the municipality subsequently takes steps to provide relief
23 to the person, the person shall also be eligible for
24 reasonable expenses.

25 (f) Definitions.--As used in this section, the following
26 words and phrases shall have the meanings given to them in this
27 subsection unless the context clearly indicates otherwise:

28 "Employee." An individual employed by an employer.

29 "Employer." Any individual, partnership, association,
30 corporation, business trust or any person or group of persons

1 acting, directly or indirectly, in the interest of an employer
2 in relation to an employee.

3 "Employer policies or practices." Policies or practices that
4 include, but are not limited to, any of the following topics:

5 (1) Wages, other compensation or benefits.

6 (2) Hiring or termination of employees.

7 (3) The workplace.

8 (4) The relationship between employers and employees.

9 (5) Sick and vacation leave for an employee.

10 "Municipality." A county, city, borough, incorporated town,
11 township, home rule charter, optional charter or optional plan
12 municipality, school district or a similar general purpose unit
13 of government that may be created by the General Assembly.

14 "Wages." As defined in section 3(d) of the act of January
15 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

16 Section 2. This act shall take effect immediately.