

Your rights under Pennsylvania's Act 72

Construction Employees Must Be Classified Appropriately

Independent Contractor Definition

A construction worker can only be classified as an independent contractor if the individual:

- Has a written contract;
- Directs and controls their own work; and
- Is customarily engaged in an independently established trade, occupation, profession, or business.

An individual is not customarily engaged in an independently established trade, occupation, profession, or business unless that person possesses essential tools of the trade, realizes a profit/loss from the work, has a proprietary interest in the business, has a separate business location, can independently perform construction services, and maintains liability insurance of at least \$50,000 during the work.

Learn more about Act 72 at [L&I's BLLC page](#), including how to submit a complaint and FAQs.

Retaliation Prohibited

An employer cannot take any action to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under Act 72.

Effects of Misclassification

Employers who misclassify their employees may owe fines under Act 72. They may also owe additional penalties related to failure to obtain workers' compensation coverage for employees, failure to pay unemployment taxes, and failure to pay overtime when workers have worked in excess of 40 hours per week.

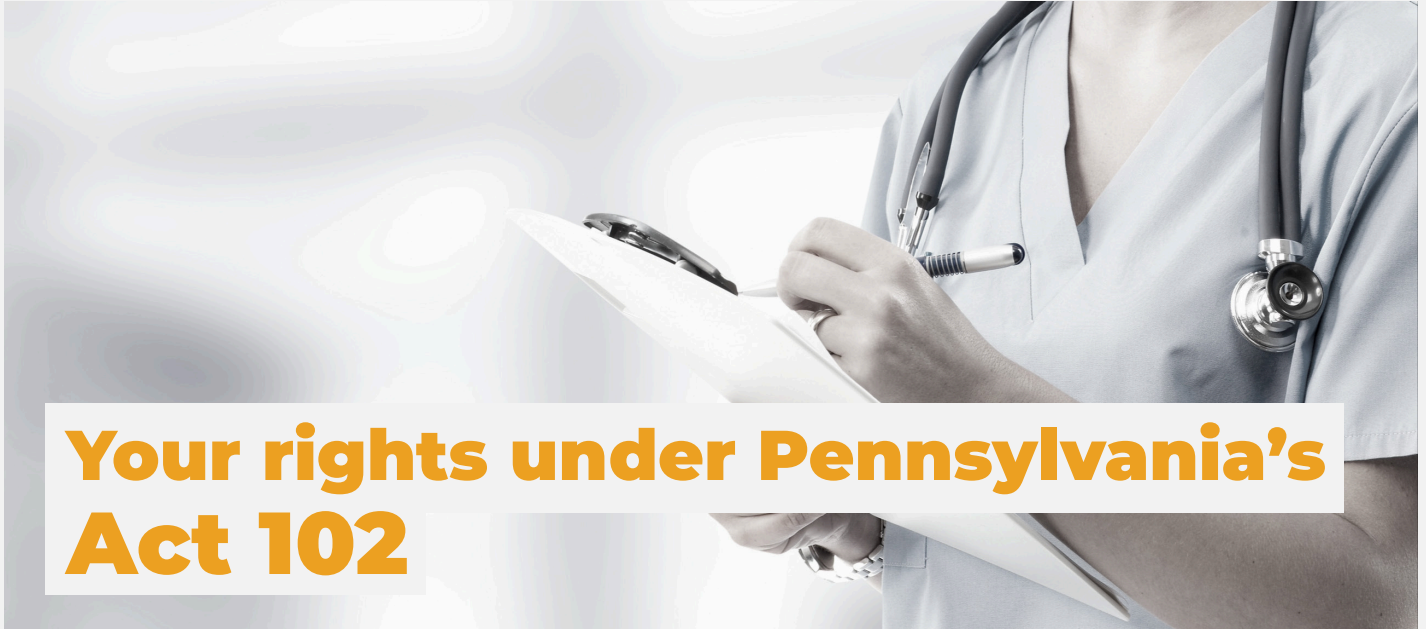
Penalties

The Department may fine violations of Act 72 at up to \$1,000 per violation for first offenses and up to \$2,500 per violation for each subsequent offense.

Questions/Complaints

If you feel that your employer has violated Pennsylvania's Act 72, you should file a complaint with the Bureau of Labor Law Compliance.

You can contact the Bureau of Labor Law Compliance at LaborLaw@pa.gov or by phone at 1-800-932-0665. Free interpretation services are available.



Your rights under Pennsylvania's Act 102

Mandatory Unscheduled Shifts in Health Care Facilities are Prohibited

Prohibited Shifts

A health care facility cannot require you to work more than an agreed to, predetermined and regularly scheduled daily work shift. You may voluntarily take additional shifts.

Penalties

Violations of Act 102 may be fined at up to \$1,000 per violation.



Learn more about Act 102 at L&I's BLLC page, including how to submit a complaint and FAQs.

On-Call Time

Employers may not use on-call time in place of mandatory additional shifts to circumvent Act 102.

Unforeseen Emergent Circumstances

The health care facility may schedule an additional mandatory shift if:

- there is an unforeseen emergent circumstance;
- the mandatory additional shift is a last resort;
- the health care facility has exhausted reasonable efforts to obtain other staffing; and
- the health care facility provides up to one hour to arrange for family care.

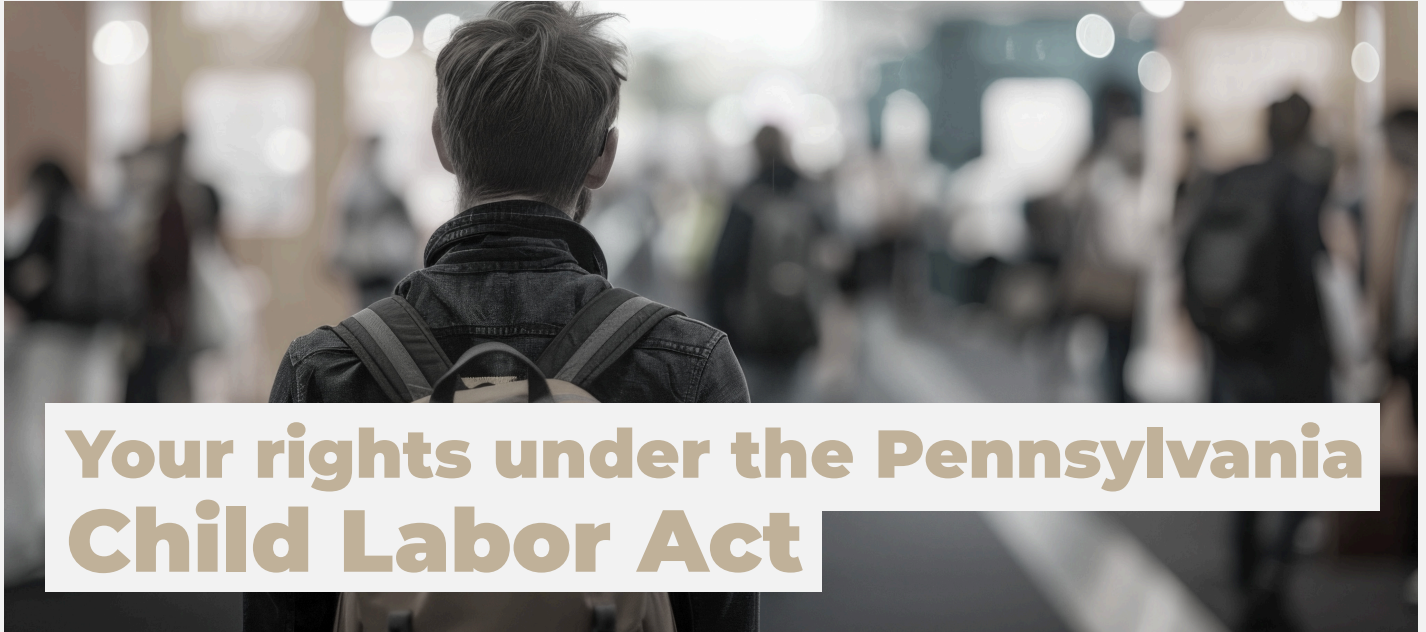
Long Days

If you are required, or volunteer, to work unscheduled time that exceeds 12 consecutive hours, you are entitled to at least 10 consecutive hours of off-duty time immediately following that shift. You can waive this right to off-duty time.

Questions/Complaints

If you feel that your employer has violated Pennsylvania's Act 102, you should file a complaint with the Bureau of Labor Law Compliance.

You can contact the Bureau of Labor Law Compliance at LaborLaw@pa.gov or by phone at 1-800-932-0665. Free interpretation services are available.



Your rights under the Pennsylvania Child Labor Act

Employers Must Take Extra Precautions When Employing Minors

Work Permits

Minors under age 18 must typically have a work permit issued by their school district to engage in work. Additionally, minors aged 14 or 15 must have additional parental authorization to work. With very few exceptions, minors under age 14 may not work in Pennsylvania.

Minors in Performance

The Department issues entertainment permits for minors engaged in performance. Even with an entertainment permit, there are still restrictions on work hours that an employer must abide by.

Cooperative Programs

No minor, unless otherwise exempt from the hours provision of the Child Labor Act, may work during the school day unless their work is part of an approved cooperative program.

Penalties

The Department may fine violations of the Child Labor Act at up to \$5,000 per violation.

Learn more about the Pennsylvania Child Labor Act at L&I's [BLLC page](#), including how to submit a complaint and FAQs.

Hours of Employment

Minors Age 14 or 15

- When school is in session: May only work between 7 a.m. and 7 p.m. May not work more than three hours per school day, and not more than 18 hours per school week (Monday-Friday).
- During vacation: May only work between 7 a.m. and 9 p.m., not more than eight hours per day, and not more than 40 hours per week.

Minors Age 16 or 17

- When school is in session: May only work between 6 a.m. and 12 a.m. May not work more than eight hours per school day, and not more than 28 hours per school week (Monday -Friday).
- During vacation: May not work more than 10 hours per day, and not more than 48 hours per week. A minor may refuse any request to work more than 44 hours per week.

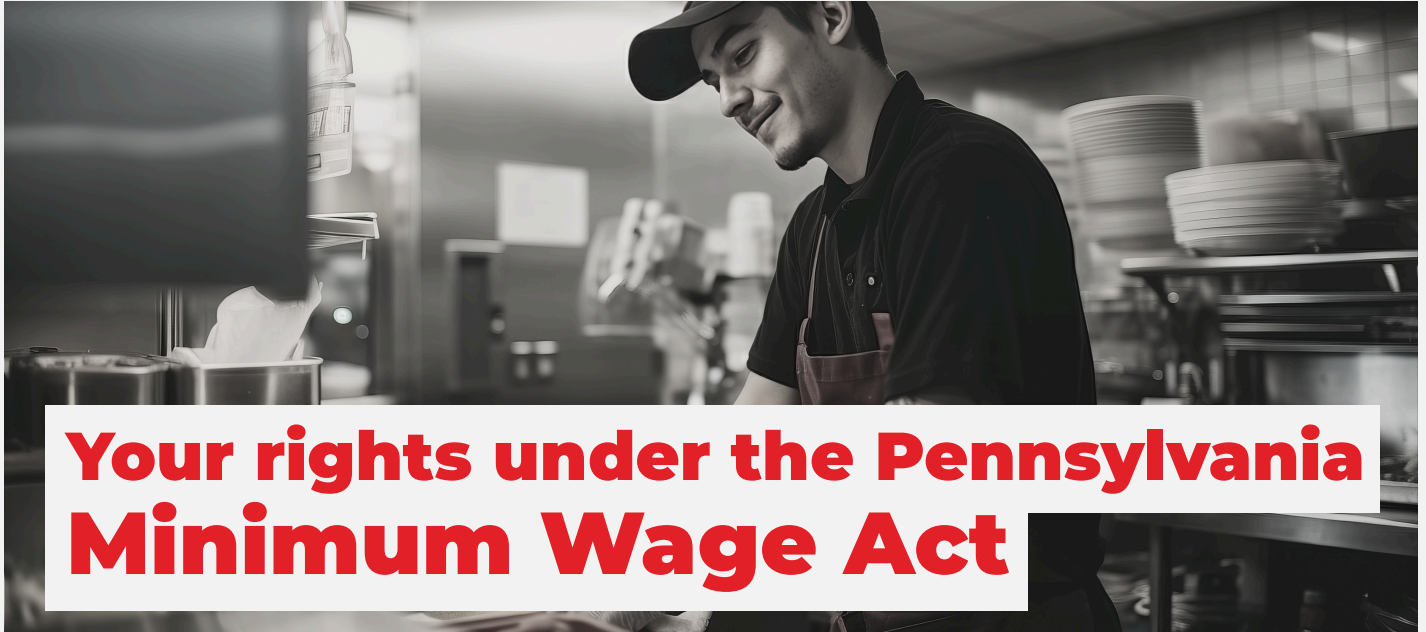
Time Limits and Breaks

Minors must be given a break of at least 30 minutes by the fifth consecutive hour worked. Minors may not work for more than six consecutive days.

Questions/Complaints

If you feel that your employer has violated the Pennsylvania Child Labor Act, you should file a complaint with the Bureau of Labor Law Compliance.

You can contact the Bureau of Labor Law Compliance at LaborLaw@pa.gov or by phone at 1-800-932-0665. Free interpretation services are available.



Your rights under the Pennsylvania Minimum Wage Act

Most Employees Must Receive at Least \$7.25 per Hour

Overtime

Most employees should be paid one and one-half times their regular rate of pay for hours worked in excess of 40 per workweek.

Common exceptions: Labor on a farm/domestic service/executive, administrative, professional employees (as defined by the law).

Penalties

Violations of the law may result in the payment of back wages and other civil or criminal penalties.

Your employer should pay you for all of the time that you work.



Learn more about the Pennsylvania Minimum Wage Act, at [L&I's BLLC page](#), how to submit a complaint and FAQs.

Tipped Employees

Your employer may pay you a base rate of \$2.83 per hour if you make at least \$135.00 per month in tips.

If you are a tipped employee and do not make at least the minimum wage from your base rate plus your tips, your employer must make up the difference.

Records and Paystubs

Your employer must give you a paystub each pay period that explains your actual number of hours you worked, your rate of pay, your gross wages, and any deductions.

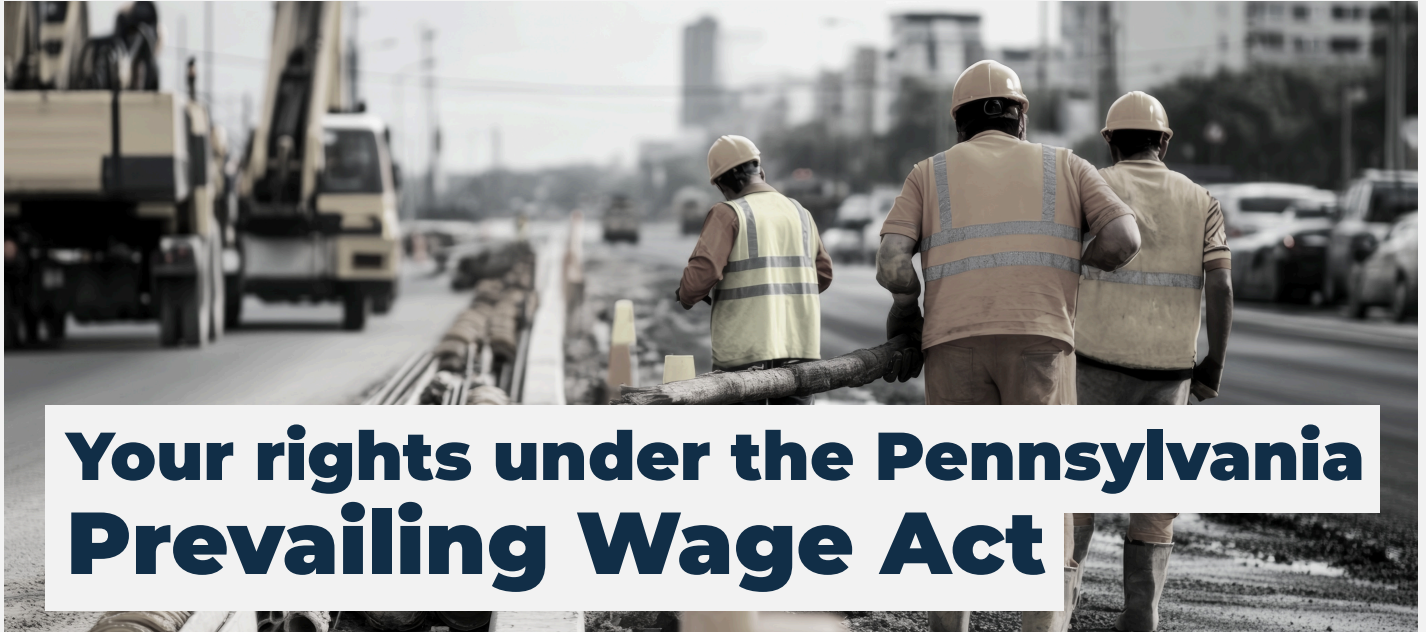
Salaried Employees

Even if you are paid a salary, you might be eligible for overtime. Some salaried employees who are classified as executive, administrative, or professional may be exempt, but your actual job duties determine whether you should receive overtime.

Questions/Complaints

If you feel that your employer has violated the Pennsylvania Minimum Wage Act, you should file a complaint with the Bureau of Labor Law Compliance.

You can contact the Bureau of Labor Law Compliance at LaborLaw@pa.gov or by phone at 1-800-932-0665. Free interpretation services are available.



Your rights under the Pennsylvania Prevailing Wage Act

Employees on Public Works Must Earn at Least the Prevailing Wage

Public Work

Only public work is covered under the Prevailing Wage Act. To be covered under the Act, the work must be:

- Construction, reconstruction, alteration, demolition, or repair;
- Done under a written contract;
- Paid for, in whole or in part, using public funds; and
- Estimated to cost more than \$25,000 (total for the project).

Penalties

Unintentional Violations:

The Department will provide an opportunity to correct the matter by making appropriate payments to workmen.

Intentional Violations:

Contractors who intentionally violate the Act may be prohibited from bidding on public works contracts for a mandatory three-year debarment period.

Learn more about the Pennsylvania Prevailing Wage Act at [L&I's BLLC page](#), including how to submit a complaint and FAQs.

Duties of Public Bodies

- Request rates from the Department for public works;
- Post the rates in bid documents; and
- Incorporate the rates into relevant contracts.

Duties of Contractors

- Keep an accurate record showing the name, craft, and the actual hourly rate of wages paid to all workmen;
- Preserve records for at least two years;
- Make records available at reasonable hours for inspection by the department;
- Post the prevailing minimum wage rates in a prominent and accessible place.

Questions/Complaints

If you feel that your employer has violated the Pennsylvania Prevailing Wage Act you should file a complaint with the Bureau of Labor Law Compliance.

You can contact the Bureau of Labor Law Compliance at LaborLaw@pa.gov or by phone at 1-800-932-0665. Free interpretation services are available.



Your rights under the Pennsylvania Wage Payment & Collection Law

Employees Must Be Paid Their Wages On Time

Timing of Payment

The law requires wages to be paid in full and on time.

Notice to Employees

Your employer must provide notice, at the time of hiring, the rate of pay and the amount of any fringe benefits or wage supplements.

Your employer must also provide notice ahead of time if wage rates or fringe benefit amounts change.



Learn more about the Pennsylvania Wage Payment & Collection Law at L&I's [BLLC page](#), including how to submit a complaint form and FAQs.

Deductions

Your employer can only deduct from your promised pay rate for your convenience. Examples of deductions made for convenience are those that you've authorized for tax contributions, union dues, and donations to charities.

Damages

When at least a month has passed and you still remain unpaid, you may be entitled to both your unpaid wages and additional damages (liquidated damages) of 25% of the total amount of wages due, or \$500, whichever is greater.

Penalties

The law provides both civil and criminal penalties for violations.

Questions/Complaints

If you feel that your employer has violated the Pennsylvania Wage Payment & Collection Law, you should file a complaint with the Bureau of Labor Law Compliance.

You can contact the Bureau of Labor Law Compliance at LaborLaw@pa.gov or by phone at 1-800-932-0665. Free interpretation services are available.