

Representatives is hereby fixed at two thousand five hundred dollars (\$2,500) for each regular session, and twelve dollars and fifty cents (\$12.50) per diem for each special and extraordinary session; and the salary of the Parliamentarian of the House of Representatives is hereby fixed at three thousand six hundred dollars (\$3,600) per annum. The Speaker of the House of Representatives is hereby authorized to appoint a secretary, at an annual salary of two thousand four hundred dollars (\$2,400) per annum.

Inconsistent acts repealed.

Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

When effective.

Section 3. This act shall become effective immediately upon final enactment.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 567

AN ACT

To protect the public health and welfare by regulating employment in this Commonwealth with respect to hours and conditions of employment; providing for certain exceptions; imposing duties, liabilities, and conditions on employers; defining the powers and duties of the Department of Labor and Industry, and its officers and representatives; and providing penalties.

Be it enacted, &c., That,

General 44-hour week law.
Definitions.

Section 1. Definitions.—Whenever used in this act—

(a) "Employ" includes permit or suffer to work.

(b) "Employer" includes every person, firm, corporation, partnership, stock association, agent, manager, representative or foreman, or other person having control or custody of any employment, place of employment, or of any employe.

(c) "Day" includes any period of twenty-four consecutive hours.

Section 2. Hours of Work.—Except as hereinafter provided, no employer shall employ any person for more than forty-four hours in any one week, or eight hours in any one day, or on more than five and one-half days in any period of seven consecutive days.

(a) A person may be employed in more than one place of employment, provided the aggregate number of hours such person is employed does not exceed eight in any one day, or forty-four in any one week: Provided, That one day of rest may be subdivided into two days of twelve hours each for employes in hotels, boarding houses, and in charitable, educational, and religious institutions, at the discretion of the Department of La-

bor and Industry, with the approval of the Industrial Board.

(b) Where the strict application of the schedule of hours provided for by this section, imposes an unnecessary hardship and violates the intent and purpose of this act, the Department of Labor and Industry, with the approval of the Industrial Board, may make, alter, amend and repeal general rules and regulations prescribing variations from said schedule of hours: Provided, That with respect to any industry whose schedule of hours is established by Federal regulation, the schedule to be fixed by the Department of Labor and Industry, with the approval of the Industrial Board, shall conform to the schedule established by any such Federal regulatory body.

(c) Nothing in this section or any other provisions of this act shall apply to employment in agricultural occupations, or in domestic service in private homes, or to the work of persons over twenty-one years of age earning at least twenty-five dollars a week in bona fide executive positions, or learned professions.

Section 3. Meal Period.—No employer shall employ any person for a period of more than five hours of continuous labor, unless such period is broken by a meal period of at least one-half hour, and, for the purpose of this section, no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

Section 4. Posting of Law.—Every employer shall post and keep conspicuously posted in or about the premises, wherein any person is employed, a printed abstract of this act, to be furnished by the Department of Labor and Industry.

Section 5. Posting of Schedule of Hours.—(a) Every employer shall post and keep conspicuously posted in or about the premises, wherein any person is employed, a schedule of hours of employment, which shall contain the maximum number of hours each person shall be employed during each day of the week, with the total hours per week, the time of commencing and stopping work, and the time of commencing and stopping the meal periods. If more than one schedule of hours is in operation at a particular place of employment, the posted schedule shall also contain the names of the employes working on the different shifts, and shall clearly indicate the hours required of each person or group of persons. An employer may permit a person to begin work after the time for beginning, and to cease work before the time for ending, stated in such schedule, but he shall not otherwise employ him except as stated in such schedule. Said schedule shall be on a form provided by the Department of Labor and In-

dustry, and shall remain the property of said department.

(b) In any place of employment wherein, owing to the character of the work, it is difficult to fix the hours of employment weekly in advance, the Department of Labor and Industry, on application, accompanied by evidence, which satisfies it, of the necessity therefor, may grant a permit dispensing with the schedule required in this section. Any employer to whom such a permit is granted shall post such information as to hours required of employes, as the department may require.

Section 6. Enforcement.—It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act. Any authorized representative of said department shall have the power and authority to enter any place of employment, and, in the enforcement of this act, shall enter and inspect, as often as practicable, all such places of employment. Such representatives shall investigate complaints of violations of this act received by them, and shall have power to institute prosecutions, as hereinafter provided, for violations of this act.

Section 7. Power as to Witnesses.—The Secretary of Labor and Industry, or his authorized representative, in the performance of any duty or execution of any power prescribed by this act, shall have the power to administer oaths, take and cause to be taken depositions of witnesses, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, payrolls, documents, records and testimony. In case of failure of any person to comply with any such order of the Secretary of Labor and Industry, or any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of any court of common pleas of the Commonwealth, or any judge thereof, upon application of the Secretary of Labor and Industry, or of his authorized representative, to compel obedience by issuing its subpoena, and any refusal to obey the subpoena of the court shall be punished as for contempt.

Section 8. Interference with Enforcement.—No person shall hinder or delay any authorized representative of the Department of Labor and Industry in the performance of his duties, nor shall any person refuse to admit to, or lock out from, any place of employment any such authorized representative, or refuse to give such authorized representative information required for the proper enforcement of this act.

Penalties.

Section 9. Penalties.—Whoever violates any provision of this act shall, upon conviction thereof in a summary proceeding, be punished by a fine of not less than

twenty-five dollars (\$25) or more than two hundred dollars (\$200), and upon nonpayment thereof, by imprisonment for not more than sixty days, and whenever any person shall have been notified by the department, or its authorized representatives, or by the service of a summons in a prosecution, that he is violating such provision, he shall, upon conviction as aforesaid, be punished by like penalties in addition for each and every day that such violation shall have continued after such notification: Provided further, That the employment of any person in violation of such provisions, with respect to each person so employed, shall constitute a separate and distinct offense.

Section 10. Intimidating Witnesses.—Whoever shall by force, intimidation, threat or procuring dismissal from employment, or by any other manner whatsoever induce, or attempt to induce, an employe to refrain from giving testimony in any investigation or proceeding relating to or arising under this act, or whoever discharges or penalizes any employe for so testifying, shall, upon conviction in a summary proceeding, be punished by a fine of not less than twenty-five dollars (\$25) or more than two hundred dollars (\$200).

Intimidating witnesses.

Section 11. Constitutionality of Act.—Except as to subsection (b) of section two, the provisions of this act shall be severable, and if any provision thereof shall be held unconstitutional, the decision so holding shall not be construed to affect or impair any other provision of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein: Provided, however, That the provisions of subsection (b) of section two are hereby declared not to be severable from the other provisions of this act, and in the event the provisions of such subsection are held to be unconstitutional, it is hereby declared that the legislative intent is that the entire provisions of this act shall not be in force or effect.

Constitutional provision.

Section 12. This act shall become effective on December first, one thousand nine hundred thirty-seven.

When effective.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE