

No. 142

AN ACT

HB 1693

Amending the act of July 25, 1913 (P.L.1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," reducing certain age requirements.

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

Section 1. Subsection (b) of section 3 and section 18, act of July 25, 1913 (P.L.1024), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," amended December 1, 1965 (P.L.1012), are amended to read:

Section 3. * * *

(b) Nothing in this section or in any other provisions of this act shall apply to the employment of females in agricultural field occupations, or in domestic service in the home of the employer, nor shall any provisions of this act which relates to the regulation of hours of employment apply to the work of registered nurses in hospitals, or to the work of females over [twenty-one] *eighteen* years of age who are employed in a bona fide executive, administrative or professional capacity, as confidential secretaries, or as outside salesmen as such terms are defined and delimited from time to time by regulations issued by the Secretary of Labor and Industry with the approval of the Industrial Board.

* * *

Section 18. Any person who, whether by himself or for another, or through an agent, servant, or foreman, shall violate any provisions of this act, shall be subject to the following penalties:

Upon conviction for violation of any provision of section three, four, five, seven, or fifteen of this act, he shall be punished, for a first offense, by a fine of not less than fifty (\$50) dollars and costs, or more than one hundred (\$100) dollars and costs, and, upon nonpayment thereof, be

imprisoned in the county jail for not more than ten days; for a second or subsequent offense, by a fine of not less than one hundred (\$100) dollars and costs, or more than two hundred (\$200) dollars and costs, and, upon nonpayment thereof, by imprisonment in the county jail for not more than sixty days; and whenever any person shall have been notified by the Department of Labor and Industry, or by the service of a summons in a prosecution, that he is violating such provision, he shall be punished by like penalties in addition for each and every day that such violation shall have continued after such notification.

Upon conviction for a violation of any of the provisions of sections eight, nine, ten, eleven, twelve, thirteen, or fourteen of this act, the punishment shall be without regard to the number of females employed, for a first offense, not less than twenty-five (\$25) dollars and costs, or more than fifty (\$50) dollars and costs, and, upon nonpayment thereof, imprisonment in the county jail for not more than twenty days; for a second or subsequent offense, a fine of not less than fifty (\$50) dollars and costs, or more than two hundred (\$200) dollars and costs, and, upon nonpayment thereof, imprisonment in the county jail for not more than sixty days; and whenever any person shall have been notified by the Department of Labor and Industry that he is violating such provisions, and shall have been given a reasonable time in which to remedy the condition which shall constitute such violation, he shall be punished, in addition to the penalties aforesaid, by like penalties for each and every day that such violation shall have continued after the expiration of the time allowed by the Department of Labor and Industry for remedying the aforesaid condition: Provided,

First. That an employer will be fully protected against unintentional violations of sections 3, 4 and 5 of this act and regulations issued thereunder, if before employing or permitting any female under **[twenty-one] eighteen** years of age to work in his establishment he has received from that employe an age certificate issued by the proper officials of the school district in which the prospective employe resides. These age certificates must be kept on file by the employer for inspection by authorized representatives of the Department of Labor and Industry so long as the female is employed or until she reaches the age of **[twenty-one] eighteen**, whichever occurs sooner. An age certificate will be no defense to any violation of the provisions of this law and regulations issued thereunder if the employer knows that it was obtained falsely or after knowledge of the true age of the employe becomes known to him.

Second. That whenever a violation of any provisions of this act shall also be a violation of another provision, or other provisions of this act, penalties may be imposed for the violation of each and every such provision.

Third. That under no circumstances shall any person be sentenced to imprisonment for more than one year for any one violation of this act.

Fourth. That whenever a violation of any of the provisions of this act shall also be a violation of the laws of this Commonwealth regulating the hours of labor and conditions of employment of minors, penalties shall be imposed under only one of such acts.

APPROVED—The 16th day of June, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 142.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.