

REGULATIONS AFFECTING EQUAL PAY LAWS



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
BUREAU OF LABOR LAW COMPLIANCE

1995 EDITION

SUBCHAPTER C. EQUAL PAY LAWS

Sec.

- 9.61. Definition of "wages."
- 9.62. Record keeping.
- 9.63. Posting.
- 9.64. Assignment of wage claims.
- 9.65. Penalty.

Authority

The provisions of this Subchapter C issued under act of December 17, 1959 (P.L. 1913, No. 694) (43 P.S. §§ 336.1 - 336.10), unless otherwise noted.

Source

The provisions of this Subchapter C adopted April 24, 1960; amended through July 1, 1968, unless otherwise noted.

Cross References

This subchapter cited in 34 Pa. Code § 31.52 (relating to administration - general).

§ 9.61. Definition of "wages."

When used in this subchapter, the term "wages" means every form of remuneration or compensation for work or labor performed or services rendered and includes, but is not limited to, salary, commissions, drawing account, piece rates, stock option plans, profit sharing plan and bonuses, unless the context clearly indicates otherwise.

Notes of Decisions

Bonus

In its decision that a bonus was properly considered "wages" for purposes of determining workers' compensation benefits, the court found significant the definition of wages provided in the regulations promulgated under the Equal Pay Law (43 P. S. §§ 336.1–336.10). *Lane Enterprises, Inc. v. Workmen's Compensation Appeal Board*, 615 A.2d 975 (Pa. Cmwlth. 1992).

Wage Payment & Collection Law

There is no requirement in the Wage Payment and Collection Law, act of July 14, 1961 (P. L. 637) that the Department of Labor promulgate standards or regulations to aid the Secretary of Labor in exercising the conferred discretionary authority; thus, this law is not unconstitutional because there are no standards contained therein to guide the Department's discretion in determining whether to order the posting of a bond. *Gwynedd Development Group, Inc. v. Department of Labor and Industry*, 666 A.2d 365 (Pa. Cmwlth. 1995).

§ 9.62. Recordkeeping.

(a) Employers shall keep the following records which shall be made available, at the place of employment, upon request, to authorized employees of the Department during the usual business hours of the employer:

- (1) The name and address of each employe.

(2) The rate of wage paid each employe.

(b) The records shall be kept for a period of 1 year unless an action is pending in which the records are relevant.

§ 9.63. Posting.

(a) Employers who employ persons of both sexes shall post the abstract of the Equal Pay Law (43 P. S. §§ 336.1–336.10) provided by the Department.

(b) The abstract shall be posted in a conspicuous place at the place of business where all employes shall know of its existence and may conveniently read it.

§ 9.64. Assignment of wage claims.

An employe who is of the opinion that he has suffered discrimination in wages based on sex may report the matter to the Department of Labor and Industry, Harrisburg, Pennsylvania, for investigation.

§ 9.65. Penalty.

A person who violates this subchapter or who interferes with the Department or its authorized representative in the enforcement of this subchapter may be penalized under section 8 of the Equal Pay Law (43 P. S. § 336.8).