PENNSYLVANIA MINIMUM WAGE

pennsylvania
DEPARTMENT OF LABOR & INDUSTRY
BUREAU OF LABOR LAW COMPLIANCE

MINIMUM WAGE LAW SUMMARY

MUST BE POSTED IN A CONSPICUOUS PLACE IN EVERY PENNSYLVANIA BUSINESS GOVERNED BY THE MINIMUM WAGE ACT

The Pennsylvania Minimum Wage Act establishes a fixed Minimum Wage and Overtime Rate for employees. It also sets forth compliance-related duties for the Department of Labor & Industry and for employers. In addition, the Minimum Wage Act provides penalties for noncompliance. This summary is for general information only and is not an official position formally adopted by the Department of Labor & Industry.

Overtime Rate: Workers shall be paid 1½ times their regular rate of pay after 40 hours worked in a workweek (Except as Described)

MINIMUM WAGE RATE:

$7.25 per hour Effective July 24, 2009

(Except as Described)

Tipped Employees: An employer may pay a minimum of $2.83 per hour to an employee who makes $135.00 per month in tips. The employer must make up the difference if the tips and $2.83 do not meet the regular Pennsylvania minimum wage.

Keeping Records: Every employer must maintain accurate records of each employee's earnings and hours worked, and provide access to Labor & Industry.

Penalties: Failure to pay the legal minimum wage or other violations may result in payment of back wages and other civil or criminal action where warranted.

Exemptions: Overtime applies to certain employment classifications.

Special Allowances For: Students, learners and people with disabilities, upon application only.

EXEMPTIONS FROM BOTH Minimum Wage and Overtime Rates

- Labor on a farm
- Domestic service in or about the private home of the employer
- Delivery of newspapers to the consumer
- Publication of weekly, semi-weekly or daily newspaper with a circulation of less than 4,000 when the major portion of circulation is in the county where published or a bordering county
- Bona fide outside salesman
- Educational, charitable, religious, or nonprofit organization where no employer-employee relationship exists and service is rendered gratuitously
- Golf caddy
- In seasonal employment, if the employee is under 18 years of age or if a student under 24 years of age is employed by a nonprofit health or welfare agency engaged in activities dealing with children with disabilities or by a nonprofit day or resident seasonal recreational camp for campers under the age of 18 years, which operates for a period of less than three months in any one year
- In employment by a public amusement or recreational establishment, organized camp, or religious or nonprofit educational conference center, if (i) it does not operate more than seven months a year or (ii) during the preceding calendar year, the average receipts for any 6 months were not more than 33% of its average receipts for the other 6 months of such year
- Individuals with a physical or mental deficiency or injury may be paid less than the applicable minimum wage if a license specifying a rate commensurate with productive capacity is obtained from the Bureau of Labor Law Compliance, (651 Boas Street, Room 1301, Harrisburg, PA 17121-0750), or a federal certificate is obtained under Section 14(c) of the Fair Labor Standards Act from the U.S. Department of Labor

EXEMPTIONS FROM OVERTIME RATES

- A seaman
- Any salesman, parts man or mechanic primarily engaged in selling and servicing automobiles, trailers, trucks, farm implements or aircraft, if employed by a non-manufacturing establishment primarily engaged in the selling of such vehicles to ultimate purchasers. (Example: 51% of business is selling as opposed to 49% in servicing such vehicles)
- Taxicab driver
- Any employee of a motor carrier the Federal Secretary of Transportation has power to establish qualifications and maximum hours of service under 49 U.S.C. Section 3102 (b)(1) and (2) (relating to requirements for qualifications, hours of service, safety and equipment standards)
- Any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup
- Employment by a motion picture theatre
- Announcer, news editor, chief engineer of a radio or television station, the major studio of which is located in:
  - City or town of 100,000 population or less, if it is not part of a standard metropolitan statistical area having a total population in excess of 100,000; or
  - City or town of 25,000 population or less, which is part of such an area but is at least 40 airline miles from the principal city in the area
- The hours of an employee of an air carrier subject to the provisions of Title II of the Railway Labor Act (Public Law 69-257, 44 Stat. 577, 45 U.S.C. § 181 et seq.) when:
  - the hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity to reduce hours worked in any workweek by voluntarily offering a shift for trade or reassignment; or
  - the required hours of work, wages and overtime compensation have been agreed to either in a collective bargaining agreement between the employer and labor organization representing employees for purposes of collective bargaining or pursuant to a voluntary agreement or understanding arrived at between the employer and employee

FOR QUESTIONS/COMPLAINTS

CONTACT:	COUNTIES SERVED:		
Bureau of Labor Law Compliance Altoona District Office 1130 12th Avenue, Suite 200 Altoona, PA 16601-3486 Phone: **814-940-6224** or **877-792-8198**	Armstrong Bedford Blair Cambria Cameron Centre Clarion Clearfield	Clinton Elk Fayette Forest Fulton Huntingdon Indiana	Jefferson McKean Mifflin Potter Somerset Warren Westmoreland

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PENNSYLVANIA MINIMUM WAGE (Continued)

- Switchboard operator employed by an independently-owned public telephone company which has no more than 750 stations
- Employees not subject to civil service laws who hold elective office or are on the personal staff of such an officeholder, are immediate advisers to the officeholder, or are appointed by the officeholder to serve on a policy making level
- Executive, Administrative, and Professional employees, as defined by the Department

ALLOWANCES

Wages paid to any employee may include reasonable cost of board, lodging and other facilities. This may be considered as part of the minimum wage if the employee is notified of this condition and accepts it as a usual condition of employment at the time of hire or change of classification. The wages, including food credit plus tips, must equal the current minimum wage.

Board: Food furnished in the form of meals on an established schedule.
Lodging: Housing facility available for the personal use of the employee at all hours.
Reasonable Cost: Actual cost, exclusive of profit, to the employer or to anyone affiliated with the employer.

EXCEPTIONS FROM MINIMUM WAGE RATES

- Learners and students (bona fide high school or college), after obtaining a Special Certificate from the Bureau of Labor Law Compliance, (651 Boas Street, Room 1301, Harrisburg, PA 17121-0750) may be paid 85% of the minimum wage as follows:

  Learners: 40 hours a week. Maximum eight weeks

  Students: Up to 20 hours a week. Up to 40 hours a week during school vacation periods

CONTACT:	COUNTIES SERVED:
Bureau of Labor Law Compliance Harrisburg District Office 651 Boas Street, Room 1301 Harrisburg, PA 17121-0750 Phone: **717-787-4671** or **800-932-0665**	Adams Columbia Cumberland Dauphin Franklin Juniata Lancaster Lebanon Montour
Bureau of Labor Law Compliance Philadelphia District Office 110 North 8th St. Suite 203 Philadelphia, PA 19107 Phone: **215-560-1858** or **877-817-9497**	Bucks Chester Delaware Montgomery Philadelphia
Bureau of Labor Law Compliance Pittsburgh District Office 301 5th Avenue, Suite 330 Pittsburgh, PA 15222 Phone: **412-565-5300** or **877-504-8354**	Allegheny Beaver Butler Crawford Erie Greene Lawrence Mercer Venango Washington
Bureau of Labor Law Compliance Scranton District Office 201-B State Office Bldg. 100 Lackawanna Avenue Scranton, PA 18503 Phone: **570-963-4577** or **877-214-3962**	Berks Bradford Carbon Lackawanna Lehigh Luzerne Lycoming Monroe Northampton Pike Schuylkill Sullivan Susquehanna Tioga Wayne Wyoming

MORE INFORMATION IS AVAILABLE ONLINE

Additional information about the Minimum Wage Act is available online at: **www.dli.pa.gov**,
PA Keyword: Minimum Wage. From the Web site you can submit a complaint form, find answers to **frequently asked questions** and read more about the Minimum Wage Act.

Auxiliary aids and services are available upon request to individuals with disabilities. Equal Opportunity Employer/Program

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