

**HOUSE BILL 1820**  
**PRINTERS' NO. 3687**

**SPONSOR: Rep Delozier**

The legislation amends the act of January 17, 1968 (P.L. 11, No. 5), known as the Minimum Wage Act, to allow employees in certain occupations to utilize the overtime provisions of the federal Fair Labor Standards Act.

Pennsylvania's Minimum Wage Act provides that employees shall be compensated for overtime when the hours worked exceeds 40 in a seven day work week. The federal Fair Labor Standards Act, 29 U.S.C. Section 201 et. seq., provides an exception to allow hospitals and institutions caring for the sick, aged or mentally ill to structure a fourteen day period in which employees may work 80 hours during the period without exceeding eight hours in a work day. Such an arrangement, otherwise known as 8/80, does not trigger the federal overtime pay requirement of one and one-half times the required minimum wage.

The legislation would permit use of the federal 8/80 standard in lieu of the current standards under Pennsylvania's Minimum Wage Act for employees of hospitals and establishments caring for the sick, aged or mentally ill.

The legislation further exempts employees of an air carrier from receiving overtime pay when voluntarily working in a "shift-trading" practice whereby the employee has the opportunity to work reduced hours in one workweek by adding hours in another workweek. Such agreements must be voluntary and, if applicable, agreed to in a collective bargaining agreement.

The Committee reported similar legislation, Senate Bill 1099, in October 2011.

The provisions relating to air carrier employees are effective in 90 days. The remainder of the act is effective immediately.

Todd B. Roup  
June 8, 2012