

**SENATE BILL 1099  
AMENDMENT A05275**

**PRINTER's NO. 1273  
SPONSOR: Sen. Gordner**

Senate Bill 1099 amends the act of January 17, 1968 (P.L. 11, No. 5), known as The Minimum Wage Act of 1968, to allow employees of hospitals and establishments engaged in the care of the sick, aged or mentally ill to utilize the overtime provision of the federal Fair Labor Standards Act (FLSA), 29 U.S.C. §207(j).

Pennsylvania's Minimum Wage Act provides that employees shall be compensated for overtime when the hours worked exceeds forty (40) hours in a seven day workweek. The federal Fair Labor Standards Act, 29 U.S.C. §201, et seq., provides that hospitals and establishments engaged in the care of the sick, aged or mentally ill have the ability to structure a fourteen day work period in which employees may work eighty (80) hours during a fourteen day period, but cannot exceed eight (8) hours of work each day. This arrangement, otherwise known as 8/80, does not trigger the federal overtime pay requirement of one and one-half (1½) times the required minimum wage.

Senate Bill 1099 would permit the use of the federal 8/80 standard in lieu of the current standard under Pennsylvania's Minimum Wage Act for employees of hospitals and establishments engaged in the care of the sick, aged or mentally ill.

The legislation shall take effect immediately and the amendment of section 4 of the act shall be applied retroactively to March 1, 2010.