

any due by such city as its share thereof under any such an agreement with the Commonwealth, shall be paid by such city to the Commonwealth and shall be credited in the Motor License Fund.

Section 3. Sections 907 and 908 of the act are amended to read:

Section 907. Advertising and Bids for Construction in Conjunction with Work by Department of Highways.—It shall also be lawful for the local authorities and department to provide by agreement that the department may advertise and receive bids for the construction of any part or portion of a highway, or any structure forming part thereof, or to provide that cities of the first class may advertise and receive bids for similar construction within the limits of such cities, whenever, in the judgment of the secretary, such arrangements are desirable and such construction may be done in conjunction with construction by the department or not interfere therewith. Such advertising, when done in accordance with the laws applicable to advertising for bids by the department shall be the only advertising necessary, any law to the contrary notwithstanding.

Section 908. Department of Highways to Receive Bids, etc.—When any work is to be done by contract as provided by this act, the department may receive bids and award the contract for and on behalf of the local authorities, and thereafter may supervise the performance of the work provided for by the contract and forward estimates to the local authorities for payment except where cities have been designated as agents for the department.

APPROVED—The 1st day of December, A. D. 1965.

WILLIAM W. SCRANTON

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No. 376

AN ACT

HB 1759

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." further providing for hours of employment and exceptions, night work, rest periods and seating, rest-room and wash-room, air purification and drinking water require-

ments; providing for compliance with regulations of the Industrial Board, the posting of abstracts of the act and keeping of records of hours worked; and further prescribing enforcement and penalty provisions and the disposition of fines.

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

Section 1. Sections 3, 4 and 5, 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 July 7, 1947 (P. L. 1397), are amended to read:

Section 3. (a) Except as hereinafter provided, no female eighteen (18) years of age or older shall be employed or permitted to work in, or in connection with, any establishment for more than six (6) days in any one week or more than forty-eight (48) hours in any one week, or more than ten (10) hours in any one day.

Where the strict application of the schedule of hours, provided for by this section, imposes an unnecessary hardship and violates the intent and purpose of this act, the [Department] Secretary of Labor and Industry, with the approval of the Industrial Board, may make, alter, amend, and repeal general rules and regulations prescribing variations from said schedule of hours: Provided, That if it should be held hereafter by the courts of this Commonwealth that the power herein sought to be granted to the [said Department] Secretary of Labor and Industry is, for any reason, invalid, such holding shall not be taken in any case to affect or impair the remaining provisions of this section.

[(b) Whenever any female shall be employed or permitted to work in, or in connection with, more than one establishment in any one week or in any one day, the aggregate number of hours during which she shall be employed or permitted to work in, or in connection with, such establishments shall not exceed forty-eight (48) in any one week or ten (10) in any one day.

(c) (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 private homes] in the home of the em-

ployer, 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 years of age [earning at least thirty-five dollars (\$35) a week in executive positions] 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.

[(d)] (c) It shall be unlawful for any female to be employed, or permitted to work, in any occupation dangerous to life or limb, or injurious to the health or morals, as such occupation shall, from time to time, be determined and declared by the Industrial Board. Before any occupation is prohibited the board must give notice of its intention and hold a public hearing.

Section 4. Females over eighteen (18) years of age may be employed in manufacturing establishments during any hours, night or day, so long as [the provisions of this act are complied with and there is a compliance with the regulations established by the Industrial Board. Applications for employment on a two or three shift basis shall be made to the Department of Labor and Industry] there is compliance with the provisions of this act. The employment of females on second (evening) and third (night) shifts, however, is subject to prior approval by the Secretary of Labor and Industry in accordance with regulations issued by the secretary with the approval of the Industrial Board.

Section 5. No female under eighteen (18) years of age shall be employed or permitted to work in, or in connection with, any establishment before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day, except that students sixteen (16) years of age and over whose employment is part of a recognized school work program, supervised by a recognized school authority may be employed until ten o'clock P. M.

Section 2. Section 7 of the act, amended May 21, 1943 (P. L. 389), is amended to read:

Section 7. No female shall be employed or permitted to work for

more than five hours continuously in, or in connection with, any establishment, without a meal or rest period of at least thirty minutes, which period shall not be considered a part of the hours of labor, and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

Employees shall not be required to remain in the workrooms or at their work stations during the meal or rest periods required by this section:

Provided, however, That where the strict application of the thirty minutes' meal or rest period [impedes or interferes with the war effort] imposes an unnecessary hardship on employers and employes or a limitation on the job opportunities of female employes, the [Department] Secretary of Labor and Industry, [with the approval of the Industrial Board, may suspend the provisions of this section] may grant upon written application of an employer an exception from the strict observance of this requirement.

Section 3. Sections 8, 9, 11 and 12 of the act are amended to read:

Section 8. Every person employing or permitting females to work in any establishment shall provide suitable seats for their use [in the rooms where they shall work] conveniently accessible while they are working, and shall maintain and keep them there, and shall permit the reasonable use thereof by such females. At least one seat shall be provided for every [three] five females employed or permitted to work. [and all seats shall during work-hours be conveniently accessible to the workers for whose use they shall be provided.]

Section 9. [Every person employing or permitting females to work in any establishment shall provide suitable wash and dressing-rooms and water-closets, or privies, for their use, so located as to be accessible to such females. In any establishment in which males and females shall be employed or permitted to work, separate wash and dressing-rooms and water-closets, or privies, shall be provided for each sex; and such wash and dressing-rooms and water-closets, or privies, for each sex, shall be entirely separate from those provided for the other sex. The water-closets or privies provided for females shall be in the ratio of one for every twenty-five females employed or permitted to work. All water-closets or privies shall be properly lighted, and shall be separated from the rooms in which employes shall be permitted to work by partitions extending from floor to ceiling, and the compartments containing such water-closets or privies shall have sufficient direct outside ventilation,

by window or other means. The entrances to the water-closets or privies shall be screened from the rooms in which employees work, and from the entrances to the water-closets or privies provided for the other sex, by screens or partitions at least six feet high. All water-closets or privies shall at all times be kept clean, sanitary, and free from all obscene writing or marking.] In every establishment where females are employed, toilets, wash-rooms and retiring rooms shall be provided in accordance with the General Safety Law, act No. 174, May 18, 1937 (P. L. 654), as amended and Regulations for Industrial Sanitation promulgated by the Industrial Board of the Department of Labor and Industry.

Section 11. Any person who shall employ or permit any female to work in any establishment in which poisonous or injurious dust, <sup>1</sup>fumes, or gases [shall be created by the machinery or material in process of manufacture] are generated, shall provide and maintain proper hoods and pipes connected with exhaust-fans, ventilation or purification systems of sufficient capacity to remove such dust, fumes, or gases at their point of origin, and prevent them from mingling with the air in the room, and such exhaust fans, [shall be kept running constantly while such dust, fumes, or gases shall be generated] ventilation or purification systems shall be installed, operated and maintained in accordance with regulations issued by the Industrial Board of the Department of Labor and Industry under the General Safety Law, act No. 174, May 18, 1937 (P. L. 654), as amended.

Section 12. [Any person employing any female in any establishment shall make reasonable efforts to at all times provide a sufficient supply of clean and pure drinking-water. Such water shall be supplied through proper pipe connections with water-mains which furnish water for domestic purposes, or from a spring or well, or body of pure water. If drinking-water be placed in receptacles in the establishment, such receptacles shall be properly covered to prevent contamination, and shall at all times be kept thoroughly clean: Provided, That no employer in any establishment shall collect from any such female employee any money for ice furnished in his establishment for drinking purposes, for the use of the employees.] In every establishment where females are employed, cool, pure, wholesome drinking water shall be supplied to such

<sup>1</sup>"funes" in original.

employees in accordance with the rule on drinking water contained in the Regulations for Industrial Sanitation issued by the Industrial Board of the Department of Labor and Industry under the General Safety Law, act No. 174, May 18, 1937 (P. L. 654), as amended.

Section 4. The act is amended by adding after section 12, a new section to read:

Section 12.1. In addition to any specific rules or regulations affecting the employment of women which are promulgated under this law, all persons who employ female employes shall comply with those general regulations of the Industrial Board of the Department of Labor and Industry under the General Safety Law, act No. 174, May 18, 1937 (P. L. 654), as amended, which are not superseded by specific rules and regulations issued under this law. The responsibility for complying with all regulations rests upon both the employer and employes.

Section 5. Section 13 of the act, amended June 4, 1937 (P. L. 1547), is amended to read:

Section 13. [Every person employing or permitting any female to work in any establishment shall keep posted, in a conspicuous place in the room where such female shall be employed or permitted to work, a printed abstract of the provisions of this act, and a schedule of the hours of labor of such female: Provided, That when any female employed or permitted to work in more than one room in any establishment, the aforesaid abstract and schedule shall be required in only one of the said rooms. If any female shall be employed or permitted to work in connection with any establishment, but not in such establishment, the aforesaid abstract and schedule shall be kept posted in a conspicuous place in the office of such establishment.

The schedule of hours of labor herein required shall contain maximum number of hours each female shall be required or permitted to work on each day of the week, with the total for the week, the hours of commencing and stopping work, and the hours when the time allowed for meal or rest periods shall begin and end for each day of the week. If more than one schedule of hours is in operation in, or in connection with, any establishment, the posted schedule shall also contain the names of the female employes working on the different shifts, and shall clearly indicate the hours required of each female or group of females. Females may begin work after the time for beginning, and stop before the time for ending work, stated in each schedule; but no female shall otherwise

be employed or permitted to work in, or in connection with, any establishment, except as stated in such schedule.

The Department of Labor and Industry shall prepare the abstract of the provisions of this act, and a form for the schedule of hours of labor required by this section. Copies of such abstract and such form shall be printed, in accordance with the laws of this Commonwealth regulating printing and publishing and the Department of Labor and Industry shall supply the same, upon application, to all persons required to post the abstract and schedule aforesaid. Said schedule shall remain the property of the Department of Labor and Industry.] (a) Every person employing or permitting any female to work in any establishment, shall keep posted, in a conspicuous place, where such female employe may read, a printed abstract of the provisions of this act: Provided, that when any female shall be employed or permitted to work in connection with any establishment, but not in such establishment, the aforesaid abstract shall be kept posted in a conspicuous place in the office of such establishment. The Department of Labor and Industry shall prepare the abstract of the provisions of this act. Copies of such abstract shall be printed, in accordance with the laws of this Commonwealth regulating printing and publishing, and the Department of Labor and Industry shall supply the same, upon application, to all persons required to post the abstract.

(b) Every person employing or permitting any female to work in any establishment shall maintain a true and accurate record of the hours worked by each such female. Such record shall contain the name of the female employe, the hours of commencing and stopping work, the hours when the time allowed for meal or rest periods shall begin and end for each day of the week, and the total daily hours and total weekly hours for each such female employe.

Where records are maintained at a central record-keeping office, other than in the place of employment such records shall be made available for inspection at the place of employment within seven calendar days following verbal or written notice from the Secretary of Labor and Industry or his authorized representative. Such records shall be main-

tained for a period of three years.

The use of micro-film for record-keeping purposes is permitted: Provided, however, That employers who use such micro-film shall make available to authorized representatives of the Department of Labor and Industry the equipment which is necessary to facilitate review of the records.

Section 6. Section 14 of the act, amended July 7, 1947 (P. L. 1397), is amended to read:

Section 14. Whenever any female shall be employed or permitted to work in, or in connection with, any establishment, before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day, who, in the judgment of the [Commissioner] Secretary of Labor and Industry or [his deputy] his authorized representative, is under eighteen (18) years of age, [such officer] such representative of the department may demand from any person employing or permitting any such female to work in, or in connection with, his establishment, that such person shall either furnish to such [officer] representative of the department within ten days satisfactory evidence, such as shall be required by law for the issuing of employment certificates to minors that such female is, in fact, eighteen (18) years of age or over, or shall cease to employ or permit such female to work in, or in connection with, such establishment, before or after the hours above named.

In case such employer shall fail to furnish to said [officer] representative of the department, within ten days after making such written demand, the required evidence of age, and shall thereafter continue to employ such female, or permit her to work in, or in connection with, such establishment, before or after the hours aforesaid, proof of the making of such demand and of failure to produce the evidence required shall be prima facie evidence of the illegal employment of such female, in any prosecution brought therefor.

Section 7. Sections 15 and 16 of the act, are amended to read:

Section 15. No person shall hinder or delay the [Commissioner] Secretary of Labor and Industry or any of his [deputies] authorized representatives in the performance of [his] their duties in the enforcement of this act, or refuse to admit, or to lock out, any [inspector] representative from any place while females are employed therein, and



which said [inspector] representative shall be authorized to inspect, or refuse to give any [inspector] representative information required for the proper enforcement of this act.

Section 16. It shall be the duty of the [Commissioner] Secretary of Labor and Industry and his [deputies] authorized representatives to enforce all the provisions of this act. They shall visit and inspect establishments, and shall have power at any reasonable time to visit and inspect any establishment in or in connection with which any female shall be employed or permitted to work. They shall investigate all complaints of violations of this act received by them, and shall institute prosecutions for violations of the provisions thereof.

Section 8. Section 18 of the act, amended April 18, 1929 (P. L. 617), is amended to read:

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, [six, or] seven, or fifteen of this act, he shall be punished, for a first offense, by a fine of not less than [ten (\$10)] fifty (\$50) dollars and costs, or more than [fifty (\$50)] 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 [twenty-five (\$25)] 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 <sup>1</sup> 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,

<sup>1</sup> "fifteen" in original.

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 any person who shall demand evidence such as shall be required by law for the issuing of employment certificates to minors, that any applicant for employment or permission to work in, or in connection with, his establishment, is twenty-one years of age, and shall receive the same before employing or permitting such applicant to work, and who shall have kept the same on file, and in the case of such applicant, shall have complied with all the requirements of this act applying to a female of the age stated in such evidence of age, shall not be liable to punishment for the violation of section five of this act, though it shall subsequently appear that such applicant was in fact less than twenty-one years of age: Provided, That this provision shall not apply to any person who shall demand and receive the evidence herein provided for, if he knows at the time of receiving such evidence that the applicant is, in fact, less than twenty-one years of age; nor shall this provision prevent the punishment of any person for violating section five of this act after knowledge of the true age of the female employed.] 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 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, 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.

Section 9. Section 19 of the act is amended to read:

Section 19. All fines imposed and collected for any violation of this act shall be forwarded to the [Commissioner] Department of Labor and Industry, [who] which shall pay the same into the office of the State Treasurer, for the use of the Commonwealth.

Section 10. This act shall take effect immediately.

APPROVED—The 1st day of December, A. D. 1965.

WILLIAM W. SCRANTON

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No. 377

AN ACT

HB 1858

Authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey a certain lot or tract of ground with improvements thereon in Mahoning Township, Montour County.

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

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized in behalf of the Commonwealth of Pennsylvania to sell, at public sale to the highest bidder, the following described tract of land with any improvements thereon in the Township of Mahoning, County of Montour and Commonwealth of Pennsylvania.

Beginning at the northeast corner of Willow Street and I Street; thence along the eastern side of I Street north 6 degrees 30 minutes east 60 feet to a corner of Lot No. 2; thence along Lot No. 2 south