

pleas of the tenth judicial district from the first Monday in January, 1970, for a term of ten years. Vacancies in the office hereby created whether caused by death, resignation, expiration of term or otherwise shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge of the court.

Section 3. The Governor may appoint a competent person, learned in the law, as additional law judge of the court of common pleas of the tenth judicial district to serve until the first Monday of January, 1970.

Section 4. This act shall take effect immediately.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.

No. 262

AN ACT

HB 687

Amending the act of December 17, 1959 (P. L. 1913), entitled "An act prohibiting discrimination in rate of pay because of sex; conferring powers and imposing duties on the Department of Labor and Industry; and prescribing penalties," changing, deleting and adding definitions, further regulating wage rates and extending the time for bringing certain actions.

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

Section 1. Sections 2, 3 and 5, act of December 17, 1959 (P. L. 1913), known as the "Equal Pay Law," are amended to read:

Section 2. Definitions.—(a) The term "employee," as used in this act, shall mean any person employed for hire in any lawful business, industry, trade or profession, or in any other lawful enterprise in which individuals are gainfully employed; including individuals employed by the Commonwealth or any of its political subdivisions, including public bodies: Provided, however, That the term "employee" as used in this act shall not apply to any person or persons who is or are subject to section 6 of the Federal Fair Labor Standards Act (Act of June 25, 1938, as amended).

(b) "Employer" includes any person acting, directly or indirectly, in the interest of any employer in [relations with] relation to an employe.

(c) ["To employ" shall mean to engage,] "Employ" includes to suffer or permit to work.

(d) ["Occupation" shall mean any industry, trade, business, profession or any other employment.

(e)] "Secretary" shall mean the Secretary of Labor and Industry.

(e) The term "labor organization" means any organization of any kind, or any agency or employe representation committee or plan, in which employes participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(f) Wherever the masculine is used, the feminine and neuter shall be included.

Section 3. Wage Rates.—[No employer shall discriminate in any place of employment between employes on the basis of sex by paying wages to any employe at a rate less than the rate at which he pays wages to employes of the opposite sex for work under comparable conditions on jobs the performance of which requires comparable skills, except where such payment is made pursuant to a seniority training or merit increase system which does not discriminate on the basis of sex.] (a) No employer having employes subject to any provisions of this section shall discriminate, within any establishment in which such employes are employed, between employes on the basis of sex by paying wages to employes in such establishment at a rate less than the rate at which he pays wages to employes of the opposite sex in such establishment for equal work on jobs, the performance of which, requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential based on any other factor other than sex; Provided, That any employer who is paying a wage rate differential in violation of this subsection shall not in order to comply with the provisions of this subsection, reduce the wage rate of any employe.

(b) No labor organization, or its agents, representing employes of an employer having employes subject to any provisions of this section, shall cause or attempt to cause such an employer to discriminate against an employe in violation of subsection (a) of this section.

Section 5. Collection of Unpaid Wages.—(a) An employer who wilfully and knowingly violates the provisions of section 3 of this act shall be liable to the employe or employes affected in the amount of their unpaid wages and in addition, an equal amount as liquidated damages. Action to recover such wages and damages may be maintained in any court of competent jurisdiction by any one or more employes for and in behalf of himself or themselves and other employes similarly situated. Any agreement between the employer and an employe to work for less than the wage to which such employe is entitled under this act shall be no defense to such action. The court in such action shall, in addition to any wages and damages, allow a reasonable attorney's fee and costs of the action to the plaintiff. At the request of any employe paid less than the wage to which [she] he is entitled under this act, the Secretary of Labor and Industry may take an assignment of such wage claim for collection and shall bring any legal action necessary to collect such claim. The secretary shall not be required to pay the filing fee or other costs in connection with such action. The secretary shall have power to join various claimants against the employer in one cause of action.

(b) Any action pursuant to the provisions of this act must be brought within [one year] two years from the date upon which the violation complained of occurs.

Section 2. This act shall take effect immediately.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.

No. 263

AN ACT

HB 755

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," making it illegal to abandon motor vehicles, defining salvor and abandoned motor vehicles and providing means by which abandoned motor vehicles may be disposed of, providing for the junking of certain valueless motor vehicles, the sale of abandoned motor vehicles with value, making an appropriation and providing for suspensions, penalties and fines and the disposition thereof.