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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2889 Session of  
2020

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INTRODUCED BY HOWARD, McNEILL, ULLMAN, DELLOSO AND READSHAW,  
SEPTEMBER 23, 2020

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 23, 2020

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AN ACT

1 Prohibiting certain employee name tags; and providing for  
2 penalties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Employee Name  
7 Tag Safety Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Department." The Department of Labor and Industry of the  
13 Commonwealth.

14 "Employee." An individual employed by an employer.

15 "Employer." Includes an individual, partnership,  
16 association, corporation, business trust or any person or group  
17 of persons acting directly or indirectly in the interest of an  
18 employer in relation to an employee.

1 "Secretary." The Secretary of Labor and Industry of the  
2 Commonwealth.

3 Section 3. Employee name tag safety.

4 (a) Prohibition.--An employer may not require that an  
5 employee wear an identification badge or name tag with the  
6 employee's truthful first or last name.

7 (b) Alternative identification.--An employer may implement  
8 an alternative method to publicly identify employees that may  
9 include a symbol, employee identification number or alias.

10 (c) Discrimination.--An alternative identification under  
11 subsection (b) may not be discriminatory based on race, color,  
12 familial status, religious creed, ancestry, age, sex, national  
13 origin, handicap or disability, sexual orientation or gender  
14 identity. A discriminatory form of alternative identification  
15 shall be a violation of this act.

16 (d) Complaints.--An employee may file a complaint with the  
17 department against an employer for violation of this section.

18 Section 4. Investigation and penalties.

19 (a) Investigations.--The department shall investigate a  
20 complaint of an alleged violation of this act by an employer. If  
21 the department finds that a violation of this act has occurred,  
22 the secretary may impose the following civil penalties:

23 (1) For a first violation, the secretary shall issue a  
24 written warning to the employer stating that corrective  
25 action needs to be taken.

26 (2) For a second violation, the secretary may impose a  
27 civil penalty of up to \$2,500.

28 (3) For a third or subsequent violation, the secretary  
29 may impose a civil penalty of up to \$5,000.

30 (b) Remedy.--A penalty imposed under subsection (a)(1), (2)

1 or (3) shall include a requirement that the employer remedy the  
2 violation within 30 days of receipt of notice of the violation  
3 from the department. An employer that fails to remedy a  
4 violation after receipt of notice from the department shall be  
5 subject to an additional penalty of up to \$2,500 for every 30-  
6 day period that passes thereafter without compliance.

7 (c) Assessment and recovery of penalties.--Penalties under  
8 this section may be assessed by the department and recovered in  
9 a civil action brought by the department in Commonwealth Court  
10 or an administrative adjudicative proceeding.

11 Section 5. Discrimination against employees.

12 An employer or any other person may not discriminate against  
13 an employee because the employee:

14 (1) has filed a complaint or instituted a proceeding  
15 under or related to this act;

16 (2) has testified or is about to testify in a proceeding  
17 under or related to this act; or

18 (3) has exercised on the employee's own behalf, or on  
19 behalf of others, a right afforded under this act.

20 Section 6. Effective date.

21 This act shall take effect in 60 days.