

CHAPTER 9. EMPLOYMENT AND WAGES

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Subchapter A. WAGE PAYMENT AND COLLECTION LAWS

- Sec. 9.1. Authorized deductions.
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Authority

The provisions of this Subchapter A issued under section 3 of the act of July 14, 1961 (P. L. 637, No. 329) (43 P. S. § 260.3), unless otherwise noted.

Source

The provisions of this Subchapter A adopted August 26, 1961; amended through September 1, 1969, unless otherwise noted.

GENERAL PROVISIONS

§ 9.1. Authorized deductions.

The following deductions from wages are authorized for the convenience of employes in accordance with the provisions of section 3 of the Wage Payment and Collection Law (43 P. S. § 260.3).

- (1) Contributions to and recovery of overpayments under employe welfare and pension plans subject to the Federal Welfare and Pension Plans Disclosure Act (29 U.S.C.A. § 301 et seq.).
- (2) Contributions authorized in writing by employes or under a collective bargaining agreement to employe welfare and pension plans not subject to the Federal Welfare and Pension Plans Disclosure Act (29 U.S.C.A. § 301 et seq.). These include group insurance plans, hospitalization insurance, life insurance, provided such insurance policies are written by companies certified by the Pennsylvania Insurance Department, and group hospitalization and medical service programs offered by nonprofit hospitalization and medical service organizations and medical group plans.

- (3) Deductions authorized in writing for the recovery of overpayments to employe welfare and pension plans not subject to the Federal Welfare and Pension Plans Disclosure Act (29 U.S.C.A. § 301 et seq.).
- (4) Deductions authorized in writing by employes or under a collective bargaining agreement for payments into the following:
 - (i) Company-operated thrift plans.
 - (ii) Stock option or stock purchase plans to buy securities of the employing or an affiliated corporation at market price or less provided such securities are listed on a stock exchange or are marketable over the counter.
- (5) Deductions authorized in writing by employes for payment into employe personal savings accounts such as the following:
 - (i) Payments to a credit union.
 - (ii) Payments to a savings fund society, savings and loan, or building and loan association.
 - (iii) Payments to the savings department of banks for Christmas, vacation or other savings funds.
 - (iv) Payroll deductions for the purchase of United States Government bonds.
- (6) Contributions authorized in writing by the employe for charitable purposes such as the United Community Fund and similar organizations.
- (7) Contributions authorized in writing by the employe for local area development activities.
- (8) Deductions provided by law, including but not limited to deductions for Old Age and Survivors Insurance (Social Security taxes), withholding of Federal or local income or wage taxes or occupation privilege taxes and deductions based on court orders.
- (9) Labor organization dues, assessments and initiation fees, and such other labor organization charges as are authorized by law.
- (10) Deductions for repayment to the employer of bona fide loans provided the employe authorizes such deductions in writing either at the time the loan is given him or subsequent to such loan.
- (11) Deductions for purchases or replacements by the employe from the employer of goods, wares, merchandise, services, facilities, rent or similar items provided such deductions are authorized by the employe in writing or are authorized in a collective bargaining agreement.
- (12) Deductions for purchases by the employe for his convenience of goods, wares, merchandise, services, facilities, rent or similar items from third parties not owned, affiliated or controlled directly or indirectly by the employer if the employe authorizes such deductions in writing.
- (13) Such other deductions authorized in writing by employes as in the discretion of the Department is proper and in conformity with the intent and purpose of the Wage Payment and Collection Law (43 P. S. §§ 260.1—260.12).

Notes of Decisions

Deduction from employe's wages under earnings participation plan which placed employes' salaries on a sliding scale varying as a function of employer's profit or loss ratio required both the written authorizations of the employes involved and an authorization by the Department of Labor and Industry that the plan conforms to the intent and purpose of The Wage Payment and Collection Law (43 P. S. §§ 260.1—260.12). *Ressler v. Jones Motor Co., Inc.*, 487 A.2d 424 (Pa. Super. 1985).

Cross References

This section cited in 34 Pa. Code § 31.52 (relating to administration—general).

§ 9.2. Restrictions.

Nothing in this subchapter authorizes a deduction below the minimum wage applicable under The Minimum Wage Act of 1968 (43 P. S. §§ 333.101—333.115) for an expense or charge which is required or authorized by the employer in connection with the employe's performance of the duties assigned by the employer.

Source

The provisions of this § 9.2 amended September 26, 1980, effective December 1, 1973, 10 Pa.B. 3789. Immediately preceding text appears at serial page (40543).

Cross References

This section cited in 34 Pa. Code § 31.52 (relating to administration—general).

§ 9.3. Penalty.

A person who violates this subchapter or the regulations of the Department or who interferes with the Department or its authorized representative in the enforcement of the regulations or this subchapter shall upon conviction be punishable in accordance with section 9 of act of July 14, 1961 (P. L. 637, No. 329) (43 P. S. § 260.9) (Repealed).

Cross References

This section cited in 34 Pa. Code § 31.52 (relating to administration—general).

§ 9.4. Common carriers by railroad.

(a) Every common carrier by railroad shall furnish to its operating personnel in train and engine service at the time of payment a separate listing of each daily wage and how it was computed.

(b) The method by which each common carrier by railroad shall furnish the listing shall be submitted to the Board and be approved by it before it will be deemed in compliance with subsection (a).

Source

The provisions of this § 9.4 adopted November 24, 1978, 8 Pa.B. 3337.