

PENNSYLVANIA

LABOR LAW POSTERS

Printed: JUNE 2023

These forms were available for FREE by logging onto:

www.dli.state.pa.gov and then selecting each form poster individually

From dli website,

Search "labor law posters"

And it will populate a list of mandatory posters — State Require Employee Notices

Print out each one listed.

ABSTRACT OF THE CHILD LABOR ACT HOURS PROVISIONS

MUST BE POSTED IN A CONSPICUOUS PLACE WHERE ANY PERSON UNDER AGE 18 IS EMPLOYED

This summary is for general information, and is not to be considered in the same light as official statements contained in the Act or its regulations.

Minors under 16 must have a written statement by the minor's parent or guardian acknowledging the duties and hours of employment and granting permission to work.

HOURS OF EMPLOYMENT—AGES 14 & 15*

HOURS OF EMPLOYMENT

During School Term: Maximum three hours on school days, eight hours on any other day, and 18 hours per school week (Monday—Friday), and only at a time that does not interfere with school attendance. Plus eight additional hours on Saturdays and Sundays.

Exception: Students 14 and older, whose employment is part of a recognized school work program, may be employed for hours, when combined with school hours, not exceeding eight in a day.

During School Vacations: Maximum eight hours/day, 40 hours/week.

WORK TIME

Employment prohibited after 7 p.m. and before 7 a.m.

Exceptions: During school vacations, minors may be employed until 9 p.m. Minors at least age 11 may be employed in newspaper delivery from 5 a.m. to 8 p.m., except during school vacation, then until 9 p.m. Members of volunteer fire companies may participate in training and firefighting activities until 10 p.m. with written parental consent.

HOURS OF EMPLOYMENT—AGES 16 & 17* **

HOURS OF EMPLOYMENT

During School Term: Maximum eight hours a day and 28 hours per school week (Monday—Friday). Plus eight additional hours on Saturdays and Sundays.

During School Vacations: Maximum 48 hours/week; 10 hours/day; a minor may refuse any request to work greater than 44 hours/week.

WORK TIME

Employment prohibited before 6 a.m. and after 12 a.m.

Exceptions: During school vacations, minors may be employed until 1 a.m. Members of volunteer fire companies may continue serving in answer to a fire call until excused by chief.

* Minors employed as sports attendants are not subject to the Act's hours and work time restrictions.

**EXCEPT: A) Minors who have graduated from high school or who are exempt from compulsory attendance under the Public School Code are not subject to the Act's hours of employment or work time restrictions.

B) Special rules apply to young adults, 16 and 17 years of age, employed during a school vacation as a counselor by a summer resident camp operated by a religious or scout organization.

MAXIMUM EMPLOYMENT: NOT MORE THAN six CONSECUTIVE DAYS (except newspaper delivery).

30 MINUTE MEAL PERIOD REQUIRED ON OR BEFORE five CONSECUTIVE HOURS OF WORK.

For further information on the Child Labor Act, please consult the Department of Labor & Industry's website at www.dli.state.pa.us and click on "Labor Law Compliance."

Address inquiries and complaints to one of the offices of the Bureau of Labor Law Compliance:

Altoona District Office
1130 12th Ave.
Suite 200
Altoona, PA 16601
814-940-6224 or 877-792-8198

Harrisburg District Office
1301 Labor & Industry Building
651 Boas St.
Harrisburg, PA 17121
717-787-4671 or 800-932-0665

Philadelphia District Office
110 North 8th St.
Suite 203
Philadelphia, PA 19107
215-560-1858 or 877-817-9497

Pittsburgh District Office
301 5th Ave.
Suite 330
Pittsburgh, PA 15222
412-565-5300 or 877-504-8354

Scranton District Office
201 B State Office Building
100 Lackawanna Ave.
Scranton, PA 18503
570-963-4577 or 877-214-3962

*Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program*

CHILD LABOR ACT HOURS RULES FOR PERFORMANCES BY MINORS

Child Labor Act Hours Rules for Performances By Minors

This summary is for general information, and is not to be considered in the same light as official statements contained in the Act or its regulations.

Age	Max. hours (24-hour period) at place of employment (does not include hours at minors' residences)	Max. work hours (24-hour period) (including work time at minors' residences)
Infants < 6 mos.	2	Not Applicable
6 mos.—1 year	4	2
2—5 years	6	3
6—8	8	4
9—15	9	5
16—17	10	6

- Live performances—maximum number: three/day or 10/calendar week (Sunday—Saturday).
- Meal periods of half hour—one hour are not counted toward maximum hours/non-work time at place of employment.
- Non-work time at place of employment includes education, rest and recreation.
- Work days for minors may not begin before 5 a.m., and must end by 10 p.m. on evenings preceding school days or by 12:30 a.m. on evenings preceding nonschool days.
- 12 hours must elapse between time of dismissal and time of call on the following day.
- Age 14—17 may work during school hours with permission from school authorities for up to two consecutive days, but may not work in excess of eight hours in 24-hour period.
- Performances rules do not apply to minors who have graduated from high school or who are exempt from compulsory attendance under the Public School Code.

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Scranton District Office
201 B State Office Building
100 Lackawanna Ave.
Scranton, PA 18503
570-963-4577 or 877-214-3962

Email the Bureau of Labor Law Compliance at: RA-LI-SLMR-LLC@pa.gov

Hours of Work for Minors Under Eighteen

employed at

(Give name of establishment, department and floor, or otherwise designate workers to whom this schedule applies.)
Show daily time of starting work, time for meal or rest periods, and time of stopping work.

[illegible]

NOTE: Minors between 14 and 16 years of age may not be employed at times that interfere with regular school attendance. Hours spent in school must be included in daily and weekly hours of work.

I hereby certify that the schedules of hours given above are true and correct.

DATE _____

MANAGER SIGNATURE

ADDRESS OF ESTABLISHMENT

This Schedule and the Abstract of the Child Labor Law Must be Posted in a Conspicuous Place in Every Pennsylvania Business Governed by the Child Labor Law. This Schedule Must be Kept up to Date and Correct.

MINIMUM WAGE LAW SUMMARY

MUST BE POSTED IN A CONSPICUOUS PLACE IN EVERY
PENNSYLVANIA BUSINESS GOVERNED BY THE MINIMUM WAGE ACT

Minimum Wage Rate

**\$7.25 per hour
Effective
July 24, 2009**

(Except as Described)

Overtime Rate

Workers shall be paid
1½ times their regular rate
of pay after 40 hours worked
in a workweek

(Except as Described)

The Pennsylvania Minimum Wage Act establishes a fixed Minimum Wage and Overtime Rate for employees. It also sets forth compliance-related duties for the Department of Labor & Industry and for employers. In addition, the Minimum Wage Act provides penalties for noncompliance. This summary is for general information only and is not an official position formally adopted by the Department of Labor & Industry.

TIPPED EMPLOYEES:

An employer may pay a minimum of \$2.83 per hour to an employee who makes \$135.00 per month in tips. The employer must make up the difference if the tips and \$2.83 do not meet the regular Pennsylvania minimum wage.

KEEPING RECORDS:

Every employer must maintain accurate records of each employee's earnings and hours worked, and provide access to Labor & Industry.

PENALTIES:

Failure to pay the legal minimum wage or other violations may result in payment of back wages and other civil or criminal action where warranted.

EXEMPTIONS:

Overtime applies to certain employment classifications. (see pages 2 and 3)

SPECIAL ALLOWANCES FOR:

Students, learners and people with disabilities, upon application only.

EXEMPTIONS FROM BOTH

Minimum Wage and Overtime Rates

- Labor on a farm
- Domestic service in or about the private home of the employer
- Delivery of newspapers to the consumer
- Publication of weekly, semi-weekly or daily newspaper with a circulation of less than 4,000 when the major portion of circulation is in the county where published or a bordering county
- Bona fide outside salesman
- Educational, charitable, religious, or nonprofit organization where no employer-employee relationship exists and service is rendered gratuitously
- Golf caddy
- In seasonal employment, if the employee is under 18 years of age or if a student under 24 years of age is employed by a nonprofit health or welfare agency engaged in activities dealing with children with disabilities or by a nonprofit day or resident seasonal recreational camp for campers under the age of 18 years, which operates for a period of less than three months in any one year
- In employment by a public amusement or recreational establishment, organized camp, or religious or nonprofit educational conference center, if (i) it does not operate more than seven months a year or (ii) during the preceding calendar year, the average receipts for any 6 months were not more than 33% of its average receipts for the other 6 months of such year
- Switchboard operator employed by an independently-owned public telephone company which has no more than 750 stations
- Employees not subject to civil service laws who hold elective office or are on the personal staff of such an officeholder, are immediate advisers to the officeholder, or are appointed by the officeholder to serve on a policy making level
- Executive, Administrative, and Professional employees, as defined by the Department

ALLOWANCES

Wages paid to any employee may include reasonable cost of board, lodging and other facilities. This may be considered as part of the minimum wage if the employee is notified of this condition and accepts it as a usual condition of employment at the time of hire or change of classification. The wages, including food credit plus tips, must equal the current minimum wage.

Board: Food furnished in the form of meals on an established schedule.

Lodging: Housing facility available for the personal use of the employee at all hours.

Reasonable Cost: Actual cost, exclusive of profit, to the employer or to anyone affiliated with the employer.

EXCEPTIONS from Minimum Wage Rates

- Learners and students (bona fide high school or college), after obtaining a Special Certificate from the Bureau of Labor Law Compliance, (651 Boas Street, Room 1301, Harrisburg, PA 17121-0750) may be paid 85% of the minimum wage as follows:

Learners: 40 hours a week. Maximum eight weeks

Students: Up to 20 hours a week. Up to 40 hours a week during school vacation periods
- Individuals with a physical or mental deficiency or injury may be paid less than the applicable minimum wage if a license specifying a rate commensurate with productive capacity is obtained from the Bureau of Labor Law Compliance, (651 Boas Street, Room 1301, Harrisburg, PA 17121-0750), or a federal certificate is obtained under Section 14(c) of the Fair Labor Standards Act from the U.S. Department of Labor

EXEMPTIONS from Overtime Rates

- A seaman
- Any salesman, partsman or mechanic primarily engaged in selling and servicing automobiles, trailers, trucks, farm implements or aircraft, if employed by a non-manufacturing establishment primarily engaged in the selling of such vehicles to ultimate purchasers. (Example: 51% of business is selling as opposed to 49% in servicing such vehicles)
- Taxicab driver
- Any employee of a motor carrier the Federal Secretary of Transportation has power to establish qualifications and maximum hours of service under 49 U.S.C. Section 3102 (b)(1) and (2) (relating to requirements for qualifications, hours of service, safety and equipment standards)
- Any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup
- Employment by a motion picture theatre
- Announcer, news editor, chief engineer of a radio or television station, the major studio of which is located in:
- City or town of 100,000 population or less, if it is not part of a standard metropolitan statistical area having a total population in excess of 100,000; or
- City or town of 25,000 population or less, which is part of such an area but is at least 40 airline miles from the principal city in the area
- The hours of an employee of an air carrier subject to the provisions of Title II of the Railway Labor Act (Public Law 69-257, 44 Stat. 577, 45 U.S.C. § 181 et seq.) when:
 - the hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity to reduce hours worked in any workweek by voluntarily offering a shift for trade or reassignment; or
 - the required hours of work, wages and overtime compensation have been agreed to either in a collective bargaining agreement between the employer and labor organization representing employees for purposes of collective bargaining or pursuant to a voluntary agreement or understanding arrived at between the employer and employee

QUESTIONS/COMPLAINTS

CONTACT:	COUNTIES SERVED:		
<p>Bureau of Labor Law Compliance Altoona District Office 1130 12th Avenue Suite 200 Altoona, PA 16601-3486 Phone: 814-940-6224 or 877-792-8198</p>	<p>Armstrong Bedford Blair Cambria Cameron Centre Clarion Clearfield</p>	<p>Clinton Elk Fayette Forest Fulton Huntingdon Indiana</p>	<p>Jefferson McKean Mifflin Potter Somerset Warren Westmoreland</p>
<p>Bureau of Labor Law Compliance Harrisburg District Office 651 Boas Street, Room 1301 Harrisburg, PA 17121-0750 Phone: 717-787-4671 or 800-932-0665</p>	<p>Adams Columbia Cumberland Dauphin Franklin Juniata</p>		<p>Lancaster Lebanon Montour Perry York</p>
<p>Bureau of Labor Law Compliance Philadelphia District Office 110 North 8th St., Suite 203 Philadelphia, PA 19107 Phone: 215-560-1858 or 877-817-9497</p>		<p>Bucks Chester Delaware Montgomery Philadelphia</p>	
<p>Bureau of Labor Law Compliance Pittsburgh District Office 301 5th Avenue, Suite 330 Pittsburgh, PA 15222 Phone: 412-565-5300 or 877-504-8354</p>	<p>Allegheny Beaver Butler Crawford Erie</p>		<p>Greene Lawrence Mercer Venango Washington</p>
<p>Bureau of Labor Law Compliance Scranton District Office 201-B State Office Bldg. 100 Lackawanna Avenue Scranton, PA 18503 Phone: 570-963-4577 or 877-214-3962</p>	<p>Berks Bradford Carbon Lackawanna Lehigh Luzerne Lycoming</p>	<p>Monroe Northampton Northumberland Pike Schuylkill Snyder Sullivan</p>	<p>Susquehanna Tioga Union Wayne Wyoming</p>

MORE INFORMATION IS AVAILABLE ONLINE

Additional information about the Minimum Wage Act is available online at: www.dli.pa.gov,
PA Keyword: Minimum Wage. From the Web site you can submit a complaint form, find answers to **frequently asked questions** and read more about the Minimum Wage Act.

Auxiliary aids and services are available upon request to individuals with disabilities. Equal Opportunity Employer/Program



Abstract of the Equal Pay Law

Must be Posted in a Conspicuous Place in Every Pennsylvania Business Governed by the Equal Pay Law

Discrimination on Basis of Sex Prohibited:

Prohibits discrimination by any employer in any place of employment between employees on the basis of sex, by paying wages to any employee at a rate less than the rate paid to employees of the opposite sex for work under **equal** conditions on jobs which require **equal** skills. Provides that variation in payment of wages is not prohibited when based on a seniority, training or merit increase system that does not discriminate on the basis of sex.

Administration:

Empowers the Secretary of Labor & Industry to administer the provisions of the act, and to issue rules and regulations to make effective the provisions of the act.

Collection of Unpaid Wages in Case of Discrimination:

Provides for the collection of unpaid wages due under the act and in addition, an equal amount of liquidated damages and reasonable attorney's fee and costs. Authorizes the Secretary of Labor & Industry and upon an employee's request, to take assignment of such a wage claim for

collection. Limits the period for such action to **two** years from the date upon which the violation occurs.

Records Required:

Requires employer to keep and maintain records of wages, wage rates, job classifications and other terms and conditions of employment of the persons employed, as the Secretary of Labor & Industry shall prescribe. Requires that employers post an abstract of the law.

Penalties:

Provides for a fine of not less than \$50 nor more than \$200, or imprisonment of not less than 30 days nor more than 60 days, for: (1) employer who wilfully and knowingly violates provisions of the act, or discharges or otherwise discriminates against an employee who makes a complaint, institutes, or testifies at, proceedings under the act; and (2) employer who fails to keep required records, falsifies such records, hinders, delays, or otherwise interferes with the Secretary or his authorized representative in the performance of his duties in the enforcement of the act. Each day a violation continues shall constitute a separate offense.

More Information is Available Online

Additional information about the Equal Pay Law is available online at: www.state.pa.us, PA Keyword: labor & industry. Click on "Labor Law Compliance" under Quick Links.

EMPLOYEE WORKPLACE NOTICE PUBLIC SECTOR

Pennsylvania Worker and Community Right To Know Act

The Pennsylvania Worker and Community Right to Know Act requires that information about hazardous substances in the workplace and in the environment is available to public sector employees and employees of private sector workplaces not covered by the Federal Occupational Safety and Health Administration (OSHA) Hazard Communication Standard and to all persons living or working in the state. Employee rights listed below are further defined in the Worker and Community Right to Know Act (P.L. 734, No. 159) and Regulations. For additional information, contact the Department of Labor & Industry, Bureau of Workers' Compensation, Health & Safety Division, 1171 S. Cameron Street, Room 324, Harrisburg, Pennsylvania 17104-2501; (717) 772-1635; E-mail: RA-LI-BWC-SAFETY@pa.gov.

Employee Workplace Notice:

Public sector employers (including state and local government agencies and public schools and public universities) and private sector employers not covered by the OSHA Hazard Communication Standard must post this notice informing employees of their rights under the law. This notice must be posted prominently in the workplace at a location where employee notices are normally posted.

Training:

Public sector employers and private sector employers not covered by the OSHA Hazard Communication Standard must provide an annual education and training program to employees exposed to hazardous substances. The training program may be presented either in written form or in training sessions.

Hazardous Substance Survey Form:

The Hazardous Substance Survey Form (HSSF) provides an inventory of the hazardous substances found in the workplace during the prior calendar year. All employers must complete a workplace HSSF annually. Public sector employers and private sector employers not covered by OSHA must post the HSSF prominently in the workplace and must provide a copy to any employee upon request.

Work Area List:

The Work Area List names the hazardous substances used or produced in a specific work area in the workplace. Public sector employers and private sector employers not covered by the OSHA Hazard Communication Standard must update a Work Area List at least annually, must provide a copy to any employee of the work area upon request, and must offer a copy to any employee newly assigned to that work area.

Material Safety Data Sheet:

The Material Safety Data Sheet (MSDS) provides detailed information about a hazardous substance. In public sector workplaces and private sector workplaces not covered by the OSHA Hazard Communication Standard, an MSDS must be accessible in the work area where the hazardous substance it describes is used. MSDSs must be readily available to employees without the intervention or permission of management or supervisors, and any employee may obtain and examine an MSDS for any hazardous substance in the workplace. If an employee's request to obtain a copy of an MSDS is made to the

employer in writing and, after five working days from the date the request is made, the employer fails to furnish the employee with an MSDS in the employer's possession or fails to provide the employee with proof of the employer's effort to obtain the requested MSDS from the manufacturer, importer, supplier or distributor and from the Department of Labor & Industry, the requesting employee may refuse to work with the substance.

Environmental Hazard Survey Form:

The Environmental Hazard Survey Form (EHSF) provides information about any environmental hazards emitted, discharged or disposed of from the workplace. All employers are required to complete an EHSF when and if requested to do so by the Department of Labor & Industry. If an EHSF has been completed by a public sector employer or a private sector employer not covered by the OSHA Hazard Communication Standard, a copy must be provided to any employee upon request.

Labeling:

All containers and ports of pipelines of hazardous and non-hazardous substances in public sector workplaces and private sector workplaces not covered by the OSHA Hazard Communication Standard must be properly labeled. Employers must ensure that each label, sign, placard or other operating instruction is prominently affixed and displayed on the container or port of a pipeline system so that employees can easily identify the contents.

Health and Exposure Records:

Public sector employers and private sector employers not covered by the OSHA Hazard Communication Standard must maintain and allow employee access to records of employee chemical exposure to the extent required by OSHA (under 29 CFR 1910.1200) or by the Mine Safety Health Administration (under 30 CFR 70.210 and 71.210).

Non-discrimination:

If a public sector employee or an employee of a private sector workplace not covered by the OSHA Hazard Communication Standard believes that he or she has been discharged, disciplined or discriminated against by an employer for exercising his or her rights granted under the Pennsylvania Worker and Community Right to Know Act, that employee has 180 days from the date of the alleged violation to file a written complaint with the Department of Labor & Industry, Bureau of PENNSAFE.

Under the provisions of the Pennsylvania Unemployment Compensation (UC) Law, I am registered with the Pennsylvania Department of Labor & Industry as:

EMPLOYER NAME _____

ADDRESS _____

PA UC ACCOUNT NUMBER _____

The UC Law can provide you with an income during periods when you are either partially or totally unemployed through no fault of your own.

If you become UNEMPLOYED or your HOURS ARE REDUCED due to LACK OF WORK, the company, department, agency, commission, or bureau where you worked may provide you with a completed **Form UC-1609**, How to Apply for Unemployment Compensation (UC) Benefits.

IMPORTANT

Your UC application will be dated effective the week in which you actually file the application for benefits. You should file a new claim or reopen an existing claim during the first week in which you are unemployed or that your hours are reduced. You may risk losing some benefit eligibility if you file after the first week you are unemployed.

NOTE: To file an application for UC benefits, you will need to provide your:

- Social Security Number
- Alien registration number (if not a U.S. citizen)
- Complete mailing and home address
- Name, address, and account number of employer(s) from Form UC-1609
- Dates of employment and reasons for leaving
- Most recent pay stub (optional but helpful)
- Personal Identification Number (PIN) (if you have one from a prior claim)

**Scan with your
mobile phone**



You may file your new application, reopen an existing claim or get information about the UC Program online at **www.uc.pa.gov**, or by calling the UC Service Center at 888-313-7284. TTY: (Hearing Impaired) at 888-334-4046.

When claiming UC benefits, you must report *gross* wages that you *earned* during any week for which you are claiming UC benefits. Computer crossmatching is used to detect the illegal receipt of UC payments resulting from unreported work and earnings, as well as unreported pensions.

REMEMBER: Whenever you have questions or any problem regarding your UC claim, contact your UC Service Center. Do not take outside advice. Outside advice may be incorrect and could adversely affect your eligibility to receive UC benefits.

A person who knowingly makes a false statement or knowingly withholds information to obtain UC benefits commits a criminal offense under section 801 of the UC Law, 43 P.S. §871, and may be subject to a fine, imprisonment, restitution and loss of future benefits.

The name, address and telephone number of your employer's workers' compensation insurance company, third-party administrator (TPA), or person handling workers' compensation claims for your company, are shown below.

Employer Name: _____ **Date Posted:** _____

IF INSURED:

(Complete all applicable spaces)

**IF SOMEONE OTHER THAN INSURER IS
HANDLING CLAIMS:**

(Complete all applicable spaces)

Name of Insurance Company: _____

Name of TPA (Claims administrator): _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Insurer Code: _____

IF SELF-INSURED

(Complete all applicable spaces)

**IF SOMEONE OTHER THAN SELF-INSURER IS
HANDLING CLAIMS:**

(Complete all applicable spaces)

Name of person handling claims at
the self-insured: _____

Name of TPA (Claims administrator): _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Insurer Code: _____

Any individual filing misleading or incomplete information knowingly and with the intent to defraud is in violation of Section 1102 of the Pennsylvania Workers' Compensation Act, 77 P.S. §1039.2, and may also be subject to criminal and civil penalties under 18 Pa. C.S.A. §4117 (relating to insurance fraud).

Employer Information
Services
717.772.3702

Claims Information Services
toll-free inside PA: 800.482.2383
local & outside PA: 717.772.4447

Hearing Impaired
PA Relay 7-1-1

Email
ra-li-bwc-helpline@pa.gov





NO SMOKING



There's a New Air about Pennsylvania

Smoke-Free Compliance Toolkit



There's a new Air about Pennsylvania

Smoke-Free is now the Law!



There's a new Air about Pennsylvania

Smoke-Free is now the Law!

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HOW TO USE THIS CLEAN INDOOR AIR COMPLIANCE TOOLKIT

Welcome to a new and refreshing feature of your business – clean indoor air. Not only will your employees and customers benefit from the Clean Indoor Air Act, but so will you and your business. Change is not always easy. This Toolkit will smooth your transition to a smoke-free environment. The following pages contain information that will help you understand the law, prepare your customers and employees for the change, and put the law into action. Secondhand smoke contains more than 4,000 chemicals, including formaldehyde, arsenic, cyanide and carbon monoxide. The Environmental Protection Agency has classified secondhand smoke as a Class A carcinogen, which means it is a known cancer causing substance. But with

your smoke-free policy in place, you won't need to worry about that anymore. So take a deep breath, read on, and enjoy the clean indoor air.

To help you comply with Pennsylvania's Clean Indoor Air Act, the Department of Health has collaborated with Pennsylvania Alliance to Control Tobacco (PACT) to develop this toolkit. PACT is also available to assist you.

In addition, the Department of Health's eight Regional Tobacco Primary Contractors are available to help you comply with the law. They are available to provide onsite services to help your employees quit smoking. A list of the Regional Tobacco Primary Contractors is available at www.state.pa.us or by contacting the Clean Indoor Air Helpline at 1-877-835-9535.



SMOKE-FREE PUBLIC PLACES AND WORKPLACES: THE FACTS

If you're worried that a smoke-free policy might hurt your business, breathe easy. The tobacco industry has long perpetuated this myth. Studies show that smoke-free establishments do as well as or even better than businesses that allow smoking. The No. 1 reason for Pennsylvania's new Clean Indoor Air Act is to protect Pennsylvanians — smokers and nonsmokers, customers and employees — from secondhand smoke. In addition to the health benefits, going smoke-free can actually help your business financially by reducing costs and increasing revenue. With a smoke-free environment, everyone wins, and that's one big sigh of relief.



Consider the facts:

- Restaurants, bars, bowling alleys and other businesses around the country are reporting increased receipts and increased profits since going smoke-free.
- Business owners also report cost savings including:
 - Reduced employee absenteeism, plus lower health care and health insurance costs — Employees in nonsmoking environments are healthier.
 - Reduced insurance premiums — Improperly extinguished cigarettes cause a large number of business fires.
 - Reduced maintenance and cleaning bills — Smoking damages furniture and surroundings.
 - Increased productivity — Smoke breaks can take up five hours per week per employee.
 - Increased profit — Three out of four people are nonsmokers, and they have money to spend. Studies show that nonsmokers spend 2.5 percent more than smokers.

For more details about the economic benefits of going smoke-free, visit http://nosmoke.org/pdf/Economic_Impact.pdf.

UNDERSTANDING PENNSYLVANIA'S CLEAN INDOOR AIR ACT

As of September 11, 2008, Pennsylvania's new Clean Indoor Air Act bans smoking in public places and workplaces.

- Act 27 of 2008, the Clean Indoor Air Act (CIAA) regulates smoking in public places and workplaces across the Commonwealth of Pennsylvania with the exception of the City of Philadelphia.
- The CIAA names the Department of Health as the primary Commonwealth agency responsible for implementing the law through education and enforcement of the provisions of the CIAA.

The law defines a public place as an enclosed area that serves as a workplace, commercial establishment, or an area where the public is invited or permitted. The term "public place" includes, but is not limited to:

Facilities that provide education, food or health care-related services:

- Schools
- Restaurants and bars
- Health care facilities (hospitals, outpatient clinics, medical offices)

Vehicles used for mass transportation

- Train
- Subway
- Bus, including a chartered bus
- Plane
- Taxicab
- Limousine

Mass transportation stations

- Train
- Subway
- Bus

Public facility

- Child or adult day care facilities
- Private homes providing childcare or adult day care services

A sports or recreational facility

A theater or performance establishment

Nightclubs

The CIAA defines a “workplace” as an indoor area serving as a place of employment, occupation, business, trade, craft, professional or volunteer activity. Place of employment means the area that an employee uses for work or any other purpose which includes, but is not limited to:

- Offices
- Meeting rooms
- Sales, production and storage areas
- Cafeterias, lunch and break rooms
- Restrooms
- Stairways
- Hallways
- Warehouses
- Garages

EXCEPTIONS

The Clean Indoor Air Act exceptions include tobacco shops, cigar bars, some bars, portions of the gaming floor of casinos and private residences (except those licensed as childcare facilities)

For further information on exceptions, please refer to the Department of Health Guidance for Obtaining Clean Indoor Air Act Exception Approval by the Department of Health for Tobacco Shops, Cigar Bars and Drinking Establishments available at www.state.pa.us or by calling the PA Clean Indoor Air Helpline at 877-835-9535.

Important Note: Examples of regulated and excepted areas should not be construed as a complete list. To read the full text of the Clean Indoor Air Act, visit www.health.state.pa.us or PACT at www.PACTonline.org.



ENFORCEMENT, VIOLATIONS AND PENALTIES

It's important for you to know that, as owners and managers of establishments that have to implement a smoke-free environment, you are responsible for ensuring that your customers and employees comply with the law. Even if you ask a patron to extinguish his or her smoking materials or leave the premises, you can still be fined if the person refuses to comply and you fail to act. You are required to take all reasonable measures to comply with the law, including following your establishment's policy for removing a difficult customer.



The CIAA provides for the following penalties:

- The owner, operator or manager of the premises may be penalized for failing to post proper signage in amounts ranging from \$250 for a first offense to \$1,000 for a third offense within twelve months.
- The owner, operator or manager of the premises may be penalized for allowing smoking where it is prohibited in amounts ranging from \$250 for a first offense to \$1,000 for a third offense within twelve months.
- A person (patron or employee of the premises) may be penalized for smoking where it is prohibited in amounts ranging from \$250 for a first offense to \$1,000 for a third offense within twelve months.

The owner, operator, manager of the premises, or a lessee if in actual control of the premises, is responsible for ensuring compliance and may be penalized.

DEVELOPING YOUR SMOKE-FREE POLICY FOR YOUR WORKPLACE

Under the Clean Indoor Air Act, management of affected restaurants, bars and other establishments should develop and implement smoke-free policies no later than September 11, 2008.

Policies should:

- Prohibit smoking in regulated areas.
- Be communicated to all employees before September 11, 2008.
- Be made available upon request in writing.

Policies should address:

- How to handle smoking during work breaks (if you allow smoking outside).
- How employees should handle cigarette butts (e.g., use receptacles outside the building rather than littering).
- How new employees will be notified of the policy.
- How violations by employees will be handled.
- How employees will be trained to understand the policy and handle violations.
- Protection from retaliation for reporting violations of the law covering current and prospective employees, customers and volunteers.

Management can notify employees of the policy by:

- Sending each employee a letter and a copy of the policy.
- Publicizing the policy at all meetings.
- Posting the policy on bulletin boards and other visible locations.
- Payroll enclosures.
- To view a sample no smoking workplace policy, please visit the PACT website at www.pactonline.org



IMPLEMENTING YOUR SMOKE-FREE POLICY

- Educate your employees about the policy. Reassure them you will back them up if they face challenging customers.
- Remove ashtrays.
- Display “No Smoking” tent cards on tables and bar.
- Post “No Smoking” signs.

The CIAA requires that no smoking signs or the international no smoking symbol which consists of a pictorial representation of a burning cigarette in a circle with a bar across it must be prominently posted and properly maintained at all entrances.

No smoking signs have been designed uniquely for Pennsylvania, and are included in the Business Owner’s Clean Indoor Air Compliance Toolkit. Signage for entrances and where smoking is not permitted is also available through the PACT website at www.PACTonline.org

See chapter 7 for more information about the availability for Smoke-Free Materials

- Take reasonable measures to prevent or stop people from smoking in regulated areas. Politely ask violators to put out cigarettes or leave, for example:

“I’m sorry — you’ll have to put out your cigarette or smoke outside. This is in accordance with Pennsylvania Clean Indoor Air Act.”

“State law says that smoking is not allowed here. Thank you for your cooperation.”



SMOKE-FREE MATERIALS AVAILABLE ONLINE:

The implementation materials available to business owners have been designed uniquely for Pennsylvanians. These include:

- “NO SMOKING” SIGN



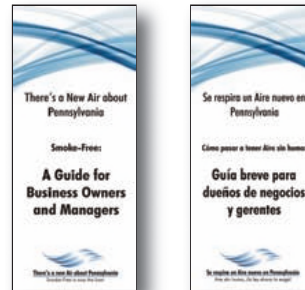
- “NO SMOKING” decal (static, for glass)



- “NO SMOKING” tent cards, napkins and coasters



- Smoke-Free Brochure for Business Owners



- Smoke-Free Compliance ToolKit



- Bumper Stickers



- Internal Vehicle Stickers



TESTIMONIALS FROM BUSINESS OWNERS WHO HAVE SUCCESSFULLY IMPLEMENTED SMOKE-FREE POLICIES

Restaurant, bar and business owners/managers around the country say the studies and statistics are correct: Smoke-free laws are helping businesses rather than hurting them. Here are comments from just a few business owners around the state and country who have already implemented smoke-free policies:

"We [voluntarily went smoke-free] with the firm belief that passive cigarette smoke is a carcinogen and that we were endangering the health of our customers, our staff and our family if we continued to allow smoking. We expected an immediate 20 percent drop in sales and hoped that at the end of the first year we would be down no more than 10 percent. We were thrilled when the opposite occurred. As the word spread about our nonsmoking policy, sales soared. Now, a week does not go by without someone thanking me or leaving a comment card thanking us for going nonsmoking."

— William Baker, Owner
Dunderbak's, Allentown, Pa.
Morning Call, March 14, 2003

"It was a good business decision. There was an initial dip in business, but it bounced back quickly."

— Mike Adamosky, Unit Manager
Burger King, Hermitage, Pa.

(All Burger Kings in the franchise have been smoke free for eight years.)

Mercer County Smoke-Free, 2008
www.mercercountysmokefree.com

"We were afraid we'd lose business and we did lose business — we lost a couple of veteran smokers. But we've more than made up for it with new diners. Our bar is now being used by diners."

— Greg Welsh, Owner
Chestnut Grill & Sidewalk Cafe and the Ogontz Grill & Sidewalk Cafe, Philadelphia, Pa.
Philadelphia Business Journal, April 14, 2006
(after voluntarily taking his restaurants smoke-free)

"The few people who complained still come in once a week. It didn't take that much time. We've been doing excellent business. I've noticed a lot of people are coming in now because there's no smoking. ...I think it is the best thing. It is by far a better work environment."

— Coby Spruance, Manager
Pan Tai, Wilmington, Del.
Breathe Easy Delaware, March 10, 2003

"To be honest with you, I wish they'd [other restaurants] continue being smoking, because it gives me an advantage. But they'd be a fool not to become smoke-free."

— Scott Harrell, Manager
Fatz Cafe, Aiken, Ga.
NBCAugusta.com, January 31, 2008

"There were some people who were annoyed at first and we had to tell some to put out their cigarettes, but by now, it's old hat. Everyone knows the rules, and there are no complaints. ...Business is as strong as ever."

— Reno Trosper, General Manager
Buffalo Wild Wings, Bentonville, Ark.
Benton County Daily Record,
December 23, 2007

"My business really didn't decrease. Some nights I've had to add bar staff. My business has been up since last year."

— Mark Dougherty, Owner
Mark's Eastside, Appleton, Wis.
Green Bay Press Gazette, April 27, 2007



HELPFUL RESOURCES:

Pennsylvania Alliance to Control Tobacco

www.pactonline.org

Pennsylvania Department of Health

www.health.state.pa.us

Campaign for Tobacco Free Kids

www.tobaccofreekids.org

American Public Health Association

www.apha.org

American Cancer Society

www.cancer.org

American Lung Association

www.lungusa.org

National Center for Chronic Disease Prevention and
Health Promotion Tobacco Information and
Prevention Source

www.cdc.gov/tobacco/

Smoke-Free Environments Law Project

www.fcsg.org

Americans for Nonsmokers' Rights

www.nosmoke.org

CONTACT US!

PACT, Pennsylvania Alliance to Control Tobacco

Positive Direction, Powerful Action

www.PACTonline.org

(717) 541-5864





For more information on the Clean Indoor Air Act,
go to www.health.pa.us/ciaa or www.PACTonline.org.

To support customers and employees who want to quit smoking:

Call 1-800-QUIT-NOW (1-800-784-8669)

Call the American Lung Association at 1-800-LUNG-USA (1-800-586-4872).

Visit the Department of Health cessation website at www.determinedtoquit.com Visit

the Department of Health website at www.health.state.pa.us for information on

worksite programs and other stop smoking programs in your area.

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