



WORKER RIGHTS · PENNSYLVANIA

Know Your Rights in Pennsylvania

What every hospitality worker should know, in plain language.
No legal jargon.

This guide is general information about Pennsylvania employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

General information only — not legal advice.

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Your Paycheck

Pennsylvania's state floor is the federal floor: \$7.25 since 2009, no statewide sick leave, no paid family leave program. But Pennsylvania workers are not unprotected. The state's 2022 tipped-worker rules are genuinely strong, its wage-payment law has teeth, and city law in Philadelphia and Allegheny County adds rights the state never granted. In Pennsylvania, the city you work in can matter as much as the state.

- Minimum wage: \$7.25 an hour, unchanged since July 2009. Pennsylvania law automatically matches any future federal increase, but no increase is scheduled in enacted law. Bills to raise it are introduced regularly. A bill is not a raise.
- Paydays, under the Wage Payment and Collection Law: your employer must pay on regular paydays designated in advance. Wages are due within the period set by your employment contract or custom, or within 15 days after the pay period ends if nothing is specified. At hiring, your employer must tell you your rate of pay, your payday, and any fringe benefits, or post them conspicuously.
- Final pay: the same rule whether you quit, resign, are laid off, or are fired. Everything you earned is due no later than your next regular payday. If you ask, it must be sent by certified mail.
- If your pay is disputed, your employer must still pay the part it concedes is due, without conditions. Accepting it does not give up your claim to the rest.

- Late wages cost the employer. If wages sit unpaid 30 days past when they were due and there is no good-faith dispute, you are owed liquidated damages of 25% of the wages due or \$500, whichever is greater. You may sue within three years, and a winning worker recovers attorney's fees.

Overtime

- Time and a half after 40 hours in a workweek under the Minimum Wage Act.
- Comp time is not a legal substitute for overtime pay in Pennsylvania. Your employer cannot bank your overtime as future time off instead of paying it.
- Salaried executive, administrative, and professional exemptions follow the federal duties tests and the \$684-a-week salary level, per the Department of Labor & Industry.
- Hospital and care-facility staff may agree to an 8 and 80 system, overtime after 8 in a day and 80 in a 14-day period, only by agreement.

Tips: Rules Modernized in 2022

- Cash wage: \$2.83 an hour. The tip credit exists only if you receive more than \$135 a month in tips. If your cash wage plus tips does not reach \$7.25, your employer must pay the difference.
- The 80/20 rule: if your employer takes a tip credit on you, no more than 20% of your weekly hours may go to duties that do not directly generate tips. Rolling silverware and setting tables for existing customers count as related support work. Painting, inventory, scheduling, and cleaning bathrooms do not, and a tip credit can never cover that unrelated time.
- Credit-card tips are fully yours. Your employer may not deduct credit-card or other processing fees from your tips. Ever.
- Tip pools: a pool that includes anyone paid the tip-credit wage may include only workers in occupations that customarily receive tips. If everyone in the pool is paid at least \$7.25, the pool may include non-tipped staff. Managers, supervisors, and owners may never take from a tip pool. A manager may keep a tip only when they personally provided the entire service, start to finish, without assistance. In L&I's own example, a manager who helps with refills while a server works the table may keep none of that tip.
- Banquet and event service charges are not tips. For banquets, special functions, and package deals, your bill or contract must show separate lines for service and administrative fees and for gratuities meant for staff, and patrons must be told the service fee is not a tip.

Breaks

- Adults: Pennsylvania law does not require breaks. The Department of Labor & Industry states it plainly: employers are not required to give breaks to employees 18 and over.
- If your employer does give breaks: any break under 20 minutes must be paid. A meal period over 20 minutes may be unpaid only if you do not work during it.
- Minors aged 14 to 17 must receive a break of at least 30 minutes after five consecutive hours of work.

Sick Leave: No State Law, Real City Laws

- Pennsylvania has no statewide sick-leave law. In the Department of Labor & Industry's own words, there is no Pennsylvania labor law requiring an employer to pay an employee not to work. Sick leave, vacation, and severance exist only if your employer's policy or your contract provides them. Read your offer letter. In Pennsylvania, it is the sick policy.

- Philadelphia, under Promoting Healthy Families and Workplaces: employers with 10 or more employees must provide paid sick leave. Employers with nine or fewer must provide it unpaid. You earn 1 hour for every 40 hours worked, up to 40 hours a year, usable for your own or a family member's health care, including behavioral health and preventive care, and for domestic abuse, sexual assault, or stalking. Some categories are exempt: seasonal and short-term hires under six months, certain interns and adjuncts, state and federal employees, and independent contractors. Complaints go to the Office of Worker Protections within one year of the incident: (215) 686-0802, workerprotection@phila.gov.
- Allegheny County, under its Paid Sick Days rules: employers with 26 or more employees must provide paid sick time, 1 hour for every 35 hours worked, capped at 40 hours accrued and available at any time. It is usable from your 90th calendar day. Unused time carries over unless your employer front-loads 40 hours. It covers your own illness or care, a family member's, and public-health-emergency closures and exposures. Seasonal employees are excluded. These are county rules: they cover work performed in Allegheny County.

Paid Family and Medical Leave

- Pennsylvania has no paid family and medical leave program: none running, and none enacted and waiting to start. What exists is the federal FMLA: unpaid, job-protected leave at covered employers.
- The Family Care Act (HB 200 / SB 906) is a pending proposal to create such a program. As of this guide's date it has not been enacted. News that a version passed one chamber is not a benefit you can claim.

Pay Transparency and Salary History

- Statewide, Pennsylvania has no law requiring salary ranges in job postings or disclosure of pay scales to applicants.
- Philadelphia's Wage Equity Ordinance bans the other end of the conversation: employers may not ask applicants for their salary history or use it to set pay. It has been enforced by the Philadelphia Commission on Human Relations since September 1, 2020.

Non-Competes

- Pennsylvania has no general statute banning or capping non-competes. Outside the health-care law below, enforceability is decided by courts case by case.
- Health care practitioners, under Act 74 of 2024, effective January 1, 2025: if you are a licensed medical doctor, doctor of osteopathy, certified registered nurse anesthetist, certified registered nurse practitioner, or physician assistant, a non-compete signed after that date is void and unenforceable, with one exception: it may be enforced only if it lasts no more than one year AND you were not dismissed by the employer. Expense-recovery and ownership-sale provisions survive separately.
- After a covered practitioner leaves, the employer must, within 90 days, notify their recent patients how to follow them and transfer records.

Hospitality Callouts

- Philadelphia Fair Workweek, for retail, hospitality, and food service: if your employer has at least 250 employees AND at least 30 locations worldwide, chains and franchises included, you are owed a good-faith estimate of your schedule at hire, your schedule posted 14 days in advance, predictability pay when the schedule changes, nine hours of rest between shifts unless you consent and are paid a \$40 premium, and the chance to take newly available hours before the employer hires someone new. Complaints: Office of Worker Protections.
- Banquet service charges must be itemized separately from tips (Section 3). That applies to event staff across the state.

- The manager tip rule (Section 3) is a daily restaurant issue: a manager who helps out on a table they did not serve alone owns none of that tip.
- Philadelphia and Allegheny County sick leave apply to hospitality employers in full. There is no industry carve-out.

Filing a Claim

- Wage claims go to the PA Department of Labor & Industry, Bureau of Labor Law Compliance. File online at pa.gov (File a Minimum Wage and Overtime Complaint) or on form LLC-9. Phone: 1-800-932-0665. Email: LaborLaw@pa.gov. Mail: 651 Boas St., Room 1301, Harrisburg, PA 17121-0750. Department guidance: file within two years of the work. Employers must keep records three years. Wage Payment and Collection Law suits run three years.
- Discrimination complaints go to the Pennsylvania Human Relations Commission within 180 days of the act: pa.gov/agencies/phrc, 717-787-4410. The Commission also files your complaint with the federal EEOC where federal law applies.
- Philadelphia workplace complaints, including sick leave and Fair Workweek: Office of Worker Protections, (215) 686-0802.