
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1552 Session of
1989

INTRODUCED BY WESTON, KOSINSKI, JOSEPHS, TELEK, TRELLO, BISHOP,
WILLIAMS, FREEMAN, McHALE, CAWLEY, KASUNIC, JOHNSON, JAMES
AND MICHLOVIC, MAY 23, 1989

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 23, 1989

AN ACT

1 Providing for parental leave for employees in cases of birth or
2 adoption; establishing protection of employment status and
3 benefits; and providing for civil action for employers
4 failing to comply.

5 The General Assembly finds and declares as follows:

6 (1) Nearly one-half of mothers with infants under one
7 year of age work outside of the home.

8 (2) The number of single-parent households and two-
9 parent households in which both parents work is increasing
10 dramatically.

11 (3) In order to enhance family stability, it is
12 essential to allow for an adjustment period when a new member
13 is added.

14 (4) There is presently no national policy which relates
15 to job security for parents who want to take leaves of
16 absence for an adjustment period following the birth or
17 adoption of a child.

18 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Short title.

3 This act shall be known and may be cited as the Employee
4 Protection Act.

5 Section 2. Definitions.

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

9 "Child." A biological or adopted child, or any child for
10 whom legal responsibility has been accepted:

11 (1) under 18 years of age; or

12 (2) 18 years of age or older and mentally or physically
13 disabled to the extent of being incapable of self-care.

14 "Department." The Department of Labor and Industry of the
15 Commonwealth.

16 "Employee." The term does not include:

17 (1) any individual employed in agriculture or in the
18 domestic service of any person;

19 (2) any individual who, as a part of his employment,
20 resides in the personal residence of the employer; or

21 (3) any individual employed by said individual's
22 parents, spouse or child.

23 "Employer." A person, partnership or corporation employing
24 100 or more employees.

25 "Employment benefits." Benefits available to the employee,
26 paid for in whole or part by the employer, including insurance,
27 sick leave, annual leave, educational benefits and pension.

28 "Leave of absence." Leave granted, without pay, to an
29 employee for a specific purpose.

30 Section 3. Parental leave.

1 (a) General rule.--An employee shall be entitled to six
2 workweeks of parental leave during any 24-month period as a
3 result of the following:

4 (1) The birth of an employee's child.

5 (2) Assumption of legal responsibility for a child.

6 (b) Leave arrangements.--

7 (1) The employee must give at least 30 days' notice to
8 the employer before leave is granted.

9 (2) Two six-workweek leaves may not be taken
10 consecutively.

11 (3) The leave may be unpaid, partially paid, or in
12 conjunction with vacation, personal leave, sick leave, if it
13 is the employer's policy to grant it for any of the reasons
14 stated in subsection (a)(1) or (2), or paid parental leave,
15 if provided by the employer.

16 (4) When the maximum of any paid absence is reached, the
17 additional time up to six weeks may be unpaid leave.

18 (5) The employer may permit the leave to be taken in the
19 form of reduced work days or weeks for the equivalent of ten
20 workweeks. The total period shall not exceed ten consecutive
21 workweeks.

22 Section 4. Maintaining employment status and benefits.

23 (a) Restoration of position.--Any employee who exercises the
24 rights established by this act shall be entitled, upon return to
25 employment:

26 (1) to be restored to the position held prior to taking
27 the leave; or

28 (2) to be placed in a different position with no loss of
29 pay, status or benefits.

30 (b) Benefits and seniority.--Benefits accrued to the time of

1 leave shall not be lost. The employer may discontinue accrual of
2 seniority and payment of benefits, except health benefits,
3 during the employee's leave. Health benefits shall be maintained
4 during the leave at the same level as the employee had prior to
5 taking the leave.

6 Section 5. Administration.

7 The department shall, in the manner provided by law,
8 promulgate the rules and regulations necessary to carry out this
9 act, including procedure for complaints and hearings.

10 Section 6. Enforcement.

11 An employee or the department may bring a civil action
12 against any employer to enforce the provisions of this act.

13 Section 7. Effective date.

14 This act shall take effect in 60 days.