

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 128 Session of 2017

INTRODUCED BY EICHELBERGER, BOSCOLA, FOLMER, GREENLEAF, VULAKOVICH, GORDNER, WAGNER, STEFANO, MCGARRIGLE, RESCHENTHALER, ALLOWAY, MENSCH, SCARNATI, ARGALL, RAFFERTY, DiSANTO, LAUGHLIN, MARTIN, REGAN, AUMENT, WHITE AND BROWNE, JANUARY 19, 2017

SENATOR WAGNER, LOCAL GOVERNMENT, AS AMENDED, JANUARY 25, 2017

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in preemptions, providing for leave
3 and compensation mandates.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 305. Leave and compensation mandates.

9 (a) General rule.--A municipality may not:

10 (1) enact or administer a mandate requiring an employer
11 to provide an employee or class of employees with vacation or
12 other forms of leave from employment, paid or unpaid, that is
13 not required by Federal or State law; or

14 (2) require an employer to compensate an employee for
15 any vacation or other forms of leave for which Federal or
16 State law does not require the employee to be compensated.

17 (b) Inconsistent mandate.--This section may not be construed

1 to invalidate a mandate enacted by a municipality prior to
2 January 1, ~~2016~~ 2015. A mandate enacted by a municipality that <--
3 is inconsistent with this section and enacted after January 1,
4 ~~2016~~, 2015, is void. <--

5 (c) Applicability.--This section shall not apply to a
6 mandate enacted by a municipality affecting vacation or other
7 forms of leave for an employee or class of employees of the
8 municipality itself.

9 (d) Construction.--The provisions of this section may not be
10 construed to establish a new mandate relating to compensation,
11 vacation or other forms of leave from employment by a
12 municipality.

13 (e) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Employee." As the term "employee" is defined in section 3 of
17 the act of January 17, 1968 (P.L.11, No.5), known as The Minimum
18 Wage Act of 1968.

19 "Employer." As defined in section 3 of The Minimum Wage Act
20 of 1968.

21 "Municipality." A county, city, borough, incorporated town,
22 township, home rule charter, optional charter or optional plan
23 municipality, school district or a similar general purpose unit
24 of government that may be created by the General Assembly.

25 Section 2. The addition of 53 Pa.C.S. § 305 shall apply
26 retroactively to January 1, ~~2016~~ 2015. <--

27 Section 3. This act shall take effect immediately.