
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2495 Session of
2020

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O'MARA, GAINNEY AND DEASY, MAY 13, 2020

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 13, 2020

AN ACT

1 Providing for COVID-19 large employer emergency paid sick leave.

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

7 CHAPTER 1

8 PRELIMINARY PROVISIONS

9 Section 101. Short title of act.

10 This act shall be known and may be cited as the COVID-19
11 Large Employer Emergency Paid Sick Leave Act.

12 Section 102. Purposes of act.

13 The purposes of this act are to:

14 (1) Protect employees in this Commonwealth who work for
15 employers with 500 or more employees during the COVID-19
16 public health emergency by requiring access to the same
17 emergency paid sick leave that was available to other workers
18 through the Federal Families First Coronavirus Response Act
19 (Public Law 116-127).

20 (2) Prohibit an employer from requiring an employee of
21 the employer to use other paid leave or regular sick days
22 before using emergency paid sick leave.

23 (3) Prohibit an employer from requiring an employee of
24 the employer to find a replacement worker to cover the
25 employee's shift or any scheduled work hours while the
26 employee is on leave.

27 (4) Prohibit an employer from retaliating against an
28 employee of the employer for:

29 (i) taking emergency paid sick leave; or

30 (ii) filing a complaint against the employer or

1 engaging in efforts to enforce emergency paid sick leave.

2 Section 103. Definitions.

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

6 "COVID-19." The novel coronavirus as identified in the
7 proclamation of disaster emergency issued by the Governor on
8 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and
9 any renewal of the state of disaster emergency.

10 "Department." The Department of Labor and Industry of the
11 Commonwealth.

12 "Employee." An individual who is employed by an employer.

13 "Employer." Includes an individual, partnership,
14 association, corporation, business trust or other person or
15 group of persons acting, directly or indirectly, in the interest
16 of an employer in relation to an employee that employs 500 or
17 more employees in the United States, one or more of which are
18 residents of this Commonwealth.

19 "Secretary." The Secretary of Labor and Industry of the
20 Commonwealth.

21 CHAPTER 3

22 EMERGENCY PAID SICK LEAVE

23 Section 301. Mandated employee benefit.

24 An employer shall provide to each qualified employee of the
25 employer in this Commonwealth emergency paid sick leave to the
26 extent that the employee is unable to work or telework due to a
27 need for leave because of any of the following:

28 (1) The employee is subject to a Federal, State or local
29 quarantine or isolation order related to COVID-19.

30 (2) The employee has been advised by a health care

1 provider to self-quarantine due to concerns related to COVID-
2 19.

3 (3) The employee is experiencing symptoms of COVID-19
4 and seeking a medical diagnosis from a health care provider
5 via test results for COVID-19.

6 (4) The employee is experiencing any other substantially
7 similar condition related to COVID-19 specified by the
8 Secretary of Health.

9 Section 302. Duration and amount of emergency paid sick leave.

10 (a) Amount of hours.--

11 (1) An employee shall be entitled to emergency paid sick
12 leave from the employer of the employee for the following
13 amount of hours:

14 (i) If the employee works full time for the
15 employer, 80 hours.

16 (ii) If the employee works part time for the
17 employer, the number of hours that the employee works, on
18 average, during a two-week period during the current
19 calendar year.

20 (2) Emergency paid sick leave under this subsection may
21 not carry over from the current year to the next.

22 (b) Rate.--An employee of an employer shall receive
23 emergency paid sick leave at the employee's regular rate of pay
24 on the same payment schedule, in the same manner of distribution
25 and with the same benefits.

26 (c) Use of emergency paid sick leave.--

27 (1) Emergency paid sick leave under this act shall be
28 available for immediate use by an employee for the purpose
29 intended under this act, regardless of the length of time
30 that the employee has been employed by the employer.

1 (2) An employer may not require an employee to use other
2 paid leave provided by the employer to the employee before
3 the employee uses the emergency paid sick leave under this
4 act.

5 Section 303. Termination of emergency paid sick leave.

6 (a) Termination.--Emergency paid sick leave provided to an
7 employee under this act shall cease beginning with the
8 employee's next scheduled work shift immediately following the
9 termination of the need for emergency paid sick leave under this
10 act.

11 (b) Unused leave.--An employer shall not be required to pay
12 unused emergency paid sick leave to an employee of the employer
13 if the employee's employment with the employer ends through
14 termination, resignation, retirement or other separation from
15 employment.

16 Section 304. Prohibited actions.

17 An employer may not:

18 (1) Require an employee of the employer:

19 (i) To find a replacement worker to cover the
20 employee's shift or any scheduled work hours during the
21 emergency paid sick leave.

22 (ii) To take paid vacation leave, paid sick leave,
23 paid personal leave or other paid leave before taking the
24 emergency paid sick leave.

25 (2) Deny a right guaranteed under this act.

26 (3) Engage in any of the following actions, or threaten
27 to engage in any of the following actions, against an
28 employee of the employer who is exercising a right guaranteed
29 under this act:

30 (i) Discharge, suspend, demote or reduce the hours

1 of the employee.

2 (ii) Report the employee's suspected citizenship or
3 immigration status, or the suspected citizenship or
4 immigration status of a family member of the employee to
5 a Federal, State or local department.

6 (iii) Take any other adverse action against the
7 employee, including a sanction against the employee if
8 the employee is the recipient of public benefits.

9 (4) Interfere with or punish in any manner the employee
10 who participates in or assists an investigation, proceeding
11 or hearing under this act.

12 Section 305. Notice.

13 (a) Workplace posting.--Each employer shall post and keep
14 posted, in conspicuous places on the premises of the employer
15 where notices to employees are customarily posted, a notice, to
16 be prepared or approved by the secretary, of the requirements
17 described in this act.

18 (b) Model notice.--Not later than seven days after the
19 effective date of this subsection, the secretary shall make
20 available a model notice, which shall describe the requirements
21 of this act and shall be posted on the publicly accessible
22 Internet website of the department.

23 (c) Initial notice by employee.--Before an employee takes
24 emergency paid sick leave, the employee shall provide the
25 employee's employer with as much notice as practicable.

26 (d) Ongoing notice.--An employer may require an employee of
27 the employer to continue to notify the employer of the ongoing
28 use of emergency paid sick leave after the initial notice under
29 subsection (c).

30

CHAPTER 5

ADMINISTRATION AND ENFORCEMENT

Section 501. Duties of department.

The department shall:

(1) Have authority to enforce this act.

(2) Be authorized to coordinate implementation and enforcement of this act.

(3) Promulgate appropriate guidelines or regulations for this act.

(4) Post the regulations and information about the rights and duties of employees and employers under this act on the department's publicly accessible Internet website.

Section 502. Enforcement and penalties.

(a) Enforcement.--This act shall be enforced under section 6 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 206) and section 9 of the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

(b) Penalties.--This act shall be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. §§ 216 and 217) with respect to the violation.

Section 503. Alleged violations of act.

(a) Rights.--A person may:

(1) File a complaint with the department or courts or inform any other person about an employer's alleged violation of this act.

(2) Participate in an investigation, hearing or proceeding or cooperate with or assist the department in the department's investigations of alleged violations of this act.

(b) Good faith.--A person shall not be liable for any good

1 faith allegation of a violation of this act.

2 CHAPTER 7

3 MISCELLANEOUS PROVISIONS

4 Section 701. Construction.

5 Nothing in this act shall be construed in any way to diminish
6 the rights or benefits that an employee is entitled to under any
7 of the following:

8 (1) Federal, State or local law.

9 (2) A collective bargaining agreement.

10 (3) An existing policy of the employee's employer.

11 Section 702. Expiration.

12 This act shall expire December 31, 2020.

13 Section 703. Effective date.

14 This act shall take effect in 15 days.