

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1495 Session of
2021

INTRODUCED BY MULLINS, ROTHMAN, ROZZI, KINSEY, BURGOS, SANCHEZ,
KULIK, SCHLOSSBERG, A. DAVIS, HOWARD, FREEMAN, SAINATO,
WEBSTER, CIRESI, MALAGARI, GALLOWAY AND INNAMORATO,
MAY 26, 2021

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MAY 26, 2021

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, providing for leaves of absence, for
3 anti-retaliation protection for military spouses and for
4 employment protection.

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

7 Section 1. Title 51 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 43

10 MILITARY SPOUSE LEAVE AND

11 EMPLOYMENT PROTECTION ACT

12 Sec.

13 4301. Definitions.

14 4302. Leaves of absence for military spouses.

15 4303. Anti-retaliation protection.

16 4304. Employment protection.

17 4305. Right of employer to provide additional leave.

1 § 4301. Definitions.

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

5 "Employee." An individual who performs service for hire for
6 an employer for an average of 20 or more hours per week,
7 including all individuals employed at any site owned or operated
8 by an employer. The term does not include an independent
9 contractor.

10 "Employer." A person, including the Commonwealth, a public
11 authority or other governmental subdivision of any kind, that
12 employs 20 or more employees at at least one site.

13 "Period of military conflict." A period of war declared by
14 the Congress of the United States or in which a member of a
15 reserve component of the armed forces is ordered to active duty
16 under 10 U.S.C. §§ 12301 (relating to reserve components
17 generally) and 12302 (relating to ready reserve).

18 § 4302. Leaves of absence for military spouses.

19 An employee whose spouse is a member of the armed forces of
20 the United States, National Guard or reserve component shall be
21 allowed a leave of absence by the employee's employer as
22 follows:

23 (1) No more than 14 days per year of paid leave:

24 (i) when the spouse of the employee has been
25 deployed during a period of military conflict to a combat
26 theater or combat zone of operations; or

27 (ii) during a time of emergency or natural disaster
28 declared by the President or the Governor.

29 (2) No more than 14 days per year of unpaid leave when
30 the spouse of the employee has been deployed for training

1 purposes.

2 § 4303. Anti-retaliation protection.

3 An employer may not retaliate against an employee for
4 requesting or obtaining a leave of absence as provided under
5 section 4302 (relating to leaves of absence for military
6 spouses).

7 § 4304. Employment protection.

8 An employer shall maintain the employment of an employee
9 while on a leave of absence under section 4302 (relating to
10 leaves of absence for military spouses), including the
11 employee's position, title and benefits accrued at the time the
12 leave is taken.

13 § 4305. Right of employer to provide additional leave.

14 The provisions of this act shall not affect or prevent an
15 employer from providing leave for employees in addition to the
16 leave provided under this act. The provisions of this act shall
17 not affect an employee's rights with respect to any other
18 employee benefit provided under law.

19 Section 2. This act shall take effect in 60 days.