AN ACT

Providing for paid family and medical leave for eligible employees under certain circumstances and for regulations by the Department of Labor and Industry.

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

Section 1. Short title.

This act shall be known and may be cited as the Paid Family Leave Act.

Section 2. Definitions.

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

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

"Eligible employee." As defined in the FMLA.

"Employer." A person engaged in commerce or an industry or activity affecting commerce that employs at least four employees.
in this Commonwealth for each working day during each of 20 or
more calendar workweeks in the current or preceding calendar
year. The term includes:

(1) A person who acts, directly or indirectly, in the
interest of an employer to any of the employees of the
employer and any successor in interest of the employer.

(2) The Commonwealth and any of its political
subdivisions and municipal authorities.

"FMLA." The Family and Medical Leave Act of 1993 (Public Law
103-3, 29 U.S.C. § 2601 et seq.).

Section 3. Eligibility.

(a) General rule.--An employer subject to this section shall
provide not less than 12 weeks of paid leave to an eligible
employee to care for a child during the period extending from
the beginning of a pregnancy to one year after the birth,
adoption or placement of the child.

(b) Protections.--An eligible employee who takes leave
provided under subsection (a) is entitled to the same
protections and rights that an eligible employee is entitled to
under the FMLA, including protection from discrimination and
interference, the right to reinstatement and the right to
continuation of health care benefits.

(c) Amount of leave and benefits.--

(1) The amount of leave taken by an eligible employee
under this section during a 12-month period shall be counted
against the amount of leave the eligible employee is entitled
to under the FMLA and may be taken at any time from the
beginning of pregnancy to up to one year after birth,
adoption or placement.

(2) An eligible employee entitled to paid leave under
this act shall be paid, during the period of leave, the full
rate of pay the eligible employee received before the period
of leave commences or, if the rate of pay is based on an
hourly rate, the weekly average applicable during the four
weeks before the period of leave commences.

(3) An employer of an eligible employee entitled to paid
leave under this act may not, during the period of leave,
terminate, reduce or in any manner diminish the other
benefits or emoluments of employment to which the eligible
employee was entitled before the period of leave commences.

Section 4. Regulation.

The department may promulgate regulations necessary to
implement the provisions of this act.

Section 5. Effective date.

This act shall take effect in 60 days.