

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 849 Session of
2015

INTRODUCED BY D. MILLER, COHEN, ROZZI, BISHOP, KOTIK, SCHREIBER,
YOUNGBLOOD, DAVIDSON, CALTAGIRONE, DONATUCCI, KINSEY,
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BROWNLEE, SIMS AND ROEBUCK, MARCH 26, 2015

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 26, 2015

AN ACT

1 Providing for parental involvement leave, imposing duties on the
2 Department of Labor and Industry; and providing for civil
3 remedies.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Parental
8 Involvement Leave Act.

9 Section 2. Definitions.

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

13 "Bureau." The Bureau of Labor Law Compliance of the
14 Department of Labor and Industry of the Commonwealth.

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

17 "Early intervention services." As identified under 55 Pa.

1 Code Ch. 4226 (relating to early intervention services).

2 "Eligible employee." An individual engaged in service to an
3 employer who is a parent, guardian or foster parent of one or
4 more children who are:

5 (1) identified in need of early intervention services;

6 or

7 (2) enrolled in an elementary or secondary school in
8 this Commonwealth.

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

12 "Employer." As defined in section 3 of the act of January
13 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

14 "Parental involvement leave." An employer-approved absence
15 from work unrelated to any other absence, such as vacation or
16 sick leave, for the purpose of an eligible employee attending a
17 qualified school-related activity or qualified services-related
18 activity for the eligible employee's child that cannot be
19 scheduled during nonworking hours.

20 "Qualified services-related activity." A meeting between an
21 eligible employee and the county mental health/intellectual
22 disability program, Office of Intellectual Disability, school
23 district or county contracted agency for the purposes of
24 establishing, modifying or challenging an individualized family
25 service plan under 55 Pa. Code Ch. 4226 (relating to early
26 intervention services); and an individualized education program
27 under 22 Pa. Code Ch. 14 (relating to special education services
28 and programs); or a service agreement under 22 Pa. Code Ch. 15
29 (relating to protected handicapped students). The term does not
30 include any meeting with other parties regarding the legality of

1 establishing, modifying or challenging an individualized family
2 service plan, individualized education program or service
3 agreement or any medical treatment-related activity.

4 "Qualified school-related activity." A school-related
5 activity or event concerning the academic advancement of an
6 eligible employee's child in which parental involvement is
7 permitted, including, but not limited to, the following:

8 (1) Parent-teacher conference.

9 (2) Back-to-school event.

10 (3) Curriculum event.

11 (4) Orientation.

12 (5) Open house.

13 (6) Other meeting to discuss academic progress.

14 The term does not include an extracurricular activity,
15 including, but not limited to, a sporting event, musical or
16 dramatic performance or field trip.

17 "School." A school operated by a school district,
18 intermediate unit, charter school, cyber charter school, area
19 vocational-technical school, nonpublic school, private school,
20 day care or preschool in this Commonwealth.

21 "School age." As determined under section 1301 of the act of
22 March 10, 1949 (P.L.30, No.14), known as the Public School Code
23 of 1949.

24 "School year." The 12 months ending June 30 of each year.
25 Section 3. Parental involvement leave.

26 (a) Relating to academic progress.--An employer shall grant
27 an eligible employee paid leave of eight hours during a school
28 year to attend qualified school-related activities concerning
29 the eligible employee's child.

30 (b) Relating to additional services.--An employer shall

1 grant an eligible employee paid leave of 12 hours during any
2 school year to attend qualified services-related activities
3 concerning an eligible employee's child.

4 (c) Proof of activity.--If requested by an employer, an
5 eligible employee shall provide documentation to the employer of
6 the specific date and time of the qualified school-related
7 activity or the qualified services-related activity. If
8 requested by an employer, an eligible employee shall provide
9 additional written documentation verifying parental
10 participation in a qualified school-related activity or
11 qualified services-related activity in an appropriate form
12 generated by the department.

13 (d) Privacy.--Nothing in this section requires an employee
14 to disclose whether the employee has custody of a child with,
15 nor the nature of why the child qualifies for, an individualized
16 family service plan, individualized education program or service
17 agreement if the employee does not seek parental involvement
18 leave. An employer may not inquire about a prospective
19 employee's eligibility for parental involvement leave.

20 (e) No limitation on paid or unpaid hours.--Nothing in this
21 section may be construed to preclude an employer from granting
22 more than eight hours of parental involvement leave at the
23 employer's discretion, whether paid or unpaid.

24 Section 4. Prohibited actions.

25 (a) Interfering with employee rights.--No employer may
26 interfere with, restrain or deny the use of or the attempt to
27 use parental involvement leave.

28 (b) Disciplining an employee.--No employer may discharge,
29 retaliate, discipline, discriminate, intimidate or make threats
30 against an eligible employee for any of the following:

1 (1) Filing a charge or instituting a proceeding under or
2 related to this act.

3 (2) Giving information in connection with any inquiry or
4 proceeding relating to this act.

5 (3) Testifying in any inquiry or proceeding relating to
6 any right provided under this act.

7 Section 5. Enforcement.

8 The department shall enforce the provisions of this act.

9 Section 6. Civil remedies.

10 (a) Complaint.--Any employee aggrieved by a violation of
11 this act may file a complaint with the bureau alleging violation
12 of the provisions of this act.

13 (b) Hearing.--Upon receipt of any complaint from an
14 employee, the bureau shall hold a hearing. After the hearing,
15 the bureau shall send each party a written copy of the bureau's
16 decision.

17 (c) Remedy.--The bureau may award the following to an
18 employee:

19 (1) rehiring or reinstatement to the employee's previous
20 job;

21 (2) payment of back wages; and

22 (3) reestablishment of employee benefits to which the
23 employee otherwise would have been eligible if a violation of
24 this act had not occurred.

25 (d) Civil penalty.--The bureau may assess a civil penalty of
26 \$500 for initial violation of sections 3 and 4 which may be
27 increased upon subsequent violations.

28 (e) Appeal.--Any party aggrieved by the decision of the
29 bureau may appeal the decision to Commonwealth Court in
30 accordance with the provisions of 2 Pa.C.S. (relating to

1 administrative law and procedure).

2 (f) Other rights.--The rights and remedies specified in this
3 section are cumulative and nonexclusive and are in addition to
4 any other rights or remedies afforded by contract or under other
5 provisions of law.

6 Section 7. Inconsistent mandate.

7 Nothing in this act shall be construed to invalidate a
8 mandate that is enacted by an employer prior to January 1, 2015.

9 Section 8. Effective date.

10 This act shall take effect as follows:

11 (1) Sections 3, 4, 5 and 6 shall take effect in 60 days.

12 (2) The remainder of this act shall take effect
13 immediately.