

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 541 Session of  
2015

---

INTRODUCED BY LEACH, BREWSTER, FONTANA, KITCHEN, HUGHES AND  
TARTAGLIONE, MARCH 6, 2015

---

REFERRED TO LABOR AND INDUSTRY, MARCH 6, 2015

---

AN ACT

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

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 Paid Family  
8 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 "Department." The Department of Labor and Industry of the  
14 Commonwealth.

15 "Eligible employee." As defined in the Family and Medical  
16 Leave Act of 1993 (Public Law 103-3, 29 U.S.C. § 2601 et seq.),  
17 an employee who is the parent through birth, adoption or  
18 placement through foster care of a new child.

1 "Employer." Any person engaged in commerce or in any  
2 industry or activity affecting commerce who employs at least  
3 four employees in this Commonwealth for each working day during  
4 each of 20 or more calendar workweeks in the current or  
5 preceding calendar year. The term includes:

6 (1) Any person who acts, directly or indirectly, in the  
7 interest of an employer to any of the employees of such  
8 employer and any successor in interest of such employer.

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

11 "FMLA." The Family and Medical Leave Act of 1993 (Public Law  
12 103-3, 29 U.S.C. § 2601 et seq.).

13 Section 3. Eligibility.

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

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

25 (c) Amount of leave and benefits.--

26 (1) The amount of leave taken by an eligible employee  
27 under this section during a 12-month period shall be counted  
28 against the amount of leave the eligible employee is entitled  
29 to under the FMLA and may be taken at anytime from the  
30 beginning of the pregnancy to up to one year after birth,

1 adoption or placement.

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

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

14 Section 4. Regulation.

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

17 Section 5. Effective date.

18 This act shall take effect in 60 days.