
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 862 Session of
2017

INTRODUCED BY LEACH, FONTANA AND SCHWANK, AUGUST 29, 2017

REFERRED TO LABOR AND INDUSTRY, AUGUST 29, 2017

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 FMLA and who is the
16 parent through birth, adoption or placement through foster care
17 of a new child.

18 "Employer." Any person engaged in commerce or in any
19 industry or activity affecting commerce who employs at least

1 four employees in this Commonwealth for each working day during
2 each of 20 or more calendar workweeks in the current or
3 preceding calendar year. The term includes:

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

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

9 "FMLA." The Family and Medical Leave Act of 1993 (Public Law
10 103-3, 29 U.S.C. § 2601 et seq.).

11 Section 3. Eligibility.

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

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

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

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

30 (2) An eligible employee entitled to paid leave under

1 this act shall be paid, during the period of leave, the full
2 rate of pay the eligible employee received before the period
3 of leave commenced or, if the rate of pay is based on an
4 hourly rate, the weekly average applicable during the four
5 weeks before the period of leave commenced.

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

11 Section 4. Regulation.

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

14 Section 5. Effective date.

15 This act shall take effect in 60 days.