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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 415 Session of  
2021

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INTRODUCED BY ZABEL, ISAACSON, KINSEY, GALLOWAY, SANCHEZ,  
T. DAVIS, HOHENSTEIN, BURGOS, HILL-EVANS, CIRESI, SCHWEYER,  
ROZZI, HOWARD, DALEY, D. WILLIAMS, SCHLOSSBERG, FREEMAN,  
PASHINSKI, DELLOSO, GUENST, WARREN, O'MARA, LEE AND  
INNAMORATO, FEBRUARY 4, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 4, 2021

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in protection from abuse, further  
3 providing for definitions and for commencement of  
4 proceedings.

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

7 Section 1. Section 6102(a) of Title 23 of the Pennsylvania  
8 Consolidated Statutes is amended by adding definitions to read:  
9 § 6102. Definitions.

10 (a) General rule.--The following words and phrases when used  
11 in this chapter shall have the meanings given to them in this  
12 section unless the context clearly indicates otherwise:

13 \* \* \*

14 "Contractor." An individual with a contract to perform work  
15 for an employer, including, but not limited to, an independent  
16 contractor and subcontractor.

17 \* \* \*

1 "Employee." An individual who performs work for an employer,  
2 including, but not limited to, a contractor.

3 "Employer." As defined in section 2.1 of the act of July 14,  
4 1961 (P.L.637, No.329), known as the Wage Payment and Collection  
5 Law.

6 \* \* \*

7 Section 2. Section 6106 of Title 23 is amended by adding a  
8 subsection to read:

9 § 6106. Commencement of proceedings.

10 \* \* \*

11 (i) Right to attend hearing.--

12 (1) An employer in this Commonwealth shall provide  
13 unpaid leave for an employee to attend a hearing if the  
14 employee is a plaintiff or providing evidence or testimony on  
15 behalf of a plaintiff. Unpaid leave provided under this  
16 subsection shall include reasonable time for travel to and  
17 from the hearing.

18 (2) Nothing in this subsection shall prohibit an  
19 employer from providing paid leave to an employee who is  
20 attending a hearing as a plaintiff or providing evidence or  
21 testimony for the plaintiff.

22 (3) An employer may require the employee to provide the  
23 employer with the time, location, summons and other  
24 documentation of the hearing prior to or after the hearing.

25 (4) No employer shall discharge from employment or  
26 otherwise discriminate or retaliate against an employee for  
27 attending a hearing as a plaintiff or to provide evidence or  
28 testimony on behalf of a plaintiff.

29 (5) The Department of Labor and Industry shall adopt a  
30 schedule of civil penalties for the violation of this section

1 by an employer and regulations regarding appeals by  
2 employers, which shall conform with the following:

3 (i) The schedule of penalties, guidelines for their  
4 imposition and procedures for appeal shall be transmitted  
5 to the Legislative Reference Bureau for publication in  
6 the Pennsylvania Bulletin.

7 (ii) Employees shall be permitted to report  
8 violations of this section to the Department of Labor and  
9 Industry.

10 (iii) An agent of the Department of Labor and  
11 Industry shall investigate all reports of violations  
12 under this section and shall have the power to issue  
13 citations and impose penalties for a violation.

14 (iv) A penalty imposed under this paragraph may be  
15 appealed to the Department of Labor and Industry pursuant  
16 to regulations adopted and promulgated by the Department  
17 of Labor and Industry under this section.

18 (v) All proceedings under this subsection shall be  
19 conducted in accordance with the provisions of 2 Pa.C.S.  
20 (relating to administrative law and procedure).

21 (6) This subsection shall not:

22 (i) Relieve or lessen the obligation of an employer  
23 to comply with an existing contract, collective  
24 bargaining agreement, employment benefit plan or other  
25 agreement providing more generous leave to an employee  
26 than required under this subsection.

27 (ii) Be construed to exempt the contents of this  
28 subsection from the scope of collective bargaining under  
29 the:

30 (A) act of June 1, 1937 (P.L.1168, No.294),

1                   known as the Pennsylvania Labor Relations Act;  
2                   (B) act of March 10, 1949 (P.L.30, No.14), known  
3                   as the Public School Code of 1949; or  
4                   (C) act of July 23, 1970 (P.L.563, No.195),  
5                   known as the Public Employe Relations Act.  
6                   Section 3. This act shall take effect in 60 days.