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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1035 Session of  
2021

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INTRODUCED BY ZABEL, SANCHEZ, HOHENSTEIN, HILL-EVANS, GALLOWAY,  
SCHWEYER, ROZZI, HOWARD, D. WILLIAMS, SCHLOSSBERG, FREEMAN,  
PASHINSKI, DRISCOLL, WEBSTER, DELLOSO, ISAACSON, O'MARA, LEE,  
McCLINTON, WARREN AND KINSEY, MARCH 26, 2021

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 26, 2021

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AN ACT

1 Providing for public health emergency leave relating to COVID-  
2 19; prohibiting retaliatory personnel action by employers;  
3 imposing duties on the Department of Labor and Industry; and  
4 imposing a penalty.

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3 CHAPTER 1

4 PRELIMINARY PROVISIONS

5 Section 101. Short title.

6 This act shall be known and may be cited as the Family and  
7 Caregiver COVID-19 Employee Protection Act.

8 Section 102. Definitions.

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

12 "COVID-19 disaster emergency." The declaration of disaster  
13 emergency issued by the Governor on March 6, 2020, published at  
14 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of  
15 disaster emergency.

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

18 "Employee." An individual who is employed by an employer  
19 doing business in this Commonwealth.

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

22 "Family member." Any of the following:

23 (1) A biological, adopted or foster child, stepchild or  
24 legal ward, a child of a domestic partner or a child to whom  
25 the employee stands in loco parentis, regardless of age.

26 (2) A biological parent, foster parent, stepparent or  
27 adoptive parent or legal guardian of an employee or an  
28 employee's spouse or domestic partner or a person who stood  
29 in loco parentis when the employee or the employee's spouse  
30 or domestic partner was a minor child.

1 (3) A person to whom the employee is legally married  
2 under the laws of any state or a domestic partner of an  
3 employee as registered under the laws of any state or  
4 political subdivision.

5 (4) A grandparent, grandchild or sibling, whether of a  
6 biological, foster, adoptive or step relationship, of the  
7 employee or the employee's spouse or domestic partner.

8 (5) A person for whom the employee is responsible for  
9 providing or arranging care, including helping that  
10 individual obtain diagnostic, preventive, routine or  
11 therapeutic health treatment.

12 (6) Any other individual related by blood or whose close  
13 association with the employee is the equivalent of a family  
14 relationship.

15 "Public health emergency leave." Paid sick leave provided by  
16 an employer to an employee affected by the COVID-19 disaster  
17 emergency under chapter 3 (relating to public health emergency  
18 leave).

19 "Retaliatory personnel action." Any actual or threatened  
20 discharge, suspension, demotion or punishment to an employee for  
21 exercising their rights or using leave that is provided by this  
22 act.

23 "Secretary." The Secretary of the Department of Labor and  
24 Industry of the Commonwealth.

## 25 CHAPTER 3

### 26 PUBLIC HEALTH EMERGENCY LEAVE

27 Section 301. Leave requirement.

28 (a) General rule.--Each employer in this Commonwealth shall  
29 provide 80 hours of paid leave per year for an employee:

30 (1) being treated for a COVID-19 diagnosis;



1 Section 701. Duties of department.

2 The department shall:

3 (1) Have authority to enforce this act.

4 (2) Be authorized to coordinate implementation and  
5 enforcement of this act.

6 (3) Promulgate appropriate guidelines or regulations for  
7 this act.

8 (4) Post the guidelines or regulations and information  
9 about the rights and duties of employees and employers under  
10 this act on the department's publicly accessible Internet  
11 website.

12 Section 702. Penalty.

13 An employer that violates any provisions of this act shall be  
14 subject to a \$5,000 fine.

## 15 CHAPTER 9

### 16 MISCELLANEOUS PROVISIONS

17 Section 901. Construction.

18 Nothing in this act shall be construed in any way to diminish  
19 the rights or benefits that an employee is entitled to under any  
20 of the following:

21 (1) Federal, State or local law.

22 (2) A collective bargaining agreement.

23 (3) An existing policy of the employee's employer.

24 Section 902. Expiration.

25 This act shall expire one year after the expiration or  
26 termination of the COVID-19 disaster emergency.

27 Section 903. Effective date.

28 This act shall take effect in 15 days.