

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1344 Session of 2021

INTRODUCED BY ZIMMERMAN, SMITH, RYAN, GROVE, COX, JAMES AND ROWE, MAY 5, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 5, 2021

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
 2 "An act providing for and reorganizing the conduct of the  
 3 executive and administrative work of the Commonwealth by the  
 4 Executive Department thereof and the administrative  
 5 departments, boards, commissions, and officers thereof,  
 6 including the boards of trustees of State Normal Schools, or  
 7 Teachers Colleges; abolishing, creating, reorganizing or  
 8 authorizing the reorganization of certain administrative  
 9 departments, boards, and commissions; defining the powers and  
 10 duties of the Governor and other executive and administrative  
 11 officers, and of the several administrative departments,  
 12 boards, commissions, and officers; fixing the salaries of the  
 13 Governor, Lieutenant Governor, and certain other executive  
 14 and administrative officers; providing for the appointment of  
 15 certain administrative officers, and of all deputies and  
 16 other assistants and employes in certain departments, boards,  
 17 and commissions; providing for judicial administration; and  
 18 prescribing the manner in which the number and compensation  
 19 of the deputies and all other assistants and employes of  
 20 certain departments, boards and commissions shall be  
 21 determined," in administrative organization, further  
 22 providing for work-hours and leaves.

23 The General Assembly of the Commonwealth of Pennsylvania  
 24 hereby enacts as follows:

25 Section 1. Section 222 of the act of April 9, 1929 (P.L.177,  
 26 No.175), known as The Administrative Code of 1929, is amended by  
 27 adding a subsection to read:

28 Section 222. Work-Hours and Leaves.--\* \* \*

1 (e) In the event of an office closure of a department, board  
2 or commission that is related to a declaration by the Governor  
3 of disaster emergency under 35 Pa.C.S. § 7301(c) (relating to  
4 general authority of Governor) or is caused by other exigent  
5 circumstances beyond the control of the department, board or  
6 commission, the following shall apply:

7 (1) If the office closure has prevented an employe of the  
8 department, board or commission from performing duties for at  
9 least five business days, the employe shall be placed on unpaid  
10 leave until such time as the employe is able to resume duties or  
11 any substantially similar alternative duties provided by the  
12 department, board or commission with which the employe is  
13 employed.

14 (2) An employe placed on unpaid leave under paragraph (1)  
15 shall retain, during the period of unpaid leave, any fringe  
16 benefits to which the employe is entitled as a result of  
17 employment with the department, board or commission.

18 (3) An employe placed on unpaid leave under paragraph (1)  
19 may elect to use any of the employe's accrued paid leave  
20 benefits in lieu of unpaid leave during the time that the  
21 employe is prevented from performing regular duties. If the  
22 employe exhausts the accrued paid leave, the employe shall be  
23 placed on unpaid leave.

24 (4) This subsection shall not apply to an employe who is:

25 (i) able to perform normal job functions at the usual work  
26 location, through telework or at an alternative location; or

27 (ii) furloughed indefinitely.

28 (5) The status of an employe placed on unpaid leave under  
29 this subsection or the provision of fringe benefits shall not be  
30 construed to impact the eligibility of the employe who is

1 otherwise eligible for unemployment compensation benefits under  
2 the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1),  
3 known as the Unemployment Compensation Law.

4 (6) For purposes of this subsection, the term "fringe  
5 benefits":

6 (i) Means the following:

7 (A) All monetary employer payments to provide benefits under  
8 an employe benefit plan, as defined in section 3(3) of the  
9 Employee Retirement Income Security Act of 1974 (Public Law 93-  
10 406, 88 Stat. 829).

11 (B) Reimbursement for expenses.

12 (C) Any other amount to be paid pursuant to an agreement to  
13 the employe, a third party or fund for the benefit of employes.

14 (ii) Does not include accrued paid leave benefits.

15 Section 2. This act shall take effect in 60 days.