

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2548 Session of 2024

INTRODUCED BY O'MARA, HANBIDGE, MADDEN, DELLOSO, GUENST, MERSKI, SANCHEZ, HOHENSTEIN, RABB, ISAACSON, SCHLOSSBERG, HILL-EVANS, KRAJEWSKI, FIEDLER, HOWARD, HARKINS, FLEMING, CIRESI, DEASY, STURLA, KINKEAD, FREEMAN, KHAN, D. WILLIAMS, SHUSTERMAN, DALEY AND GREEN, SEPTEMBER 6, 2024

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 30, 2024

AN ACT

1 ~~Providing for the right for employees to paid sick leave from~~ <--
2 ~~employers and for civil penalties and remedies.~~

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6 PROVIDING FOR THE ACCRUAL AND USE OF EARNED PAID LEAVE;
7 ESTABLISHING THE SMALL BUSINESS GRANT PROGRAM; IMPOSING
8 DUTIES ON THE DEPARTMENT OF LABOR AND INDUSTRY; AND IMPOSING
9 A PENALTY. <--

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1 SECTION 701. EFFECTIVE DATE.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 ~~Section 1. Short title.~~

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5 ~~This act shall be known and may be cited as the Healthy
6 Families and Workplaces Act.~~

7 ~~Section 2. Scope of act.~~

8 ~~This act relates to promoting healthy families and workplaces
9 by establishing an earned paid sick time policy in this
10 Commonwealth in order to:~~

11 ~~(1) Ensure that all workers in this Commonwealth can
12 address their own health and safety needs and the health and
13 safety needs of their families by requiring employers to
14 provide a minimum level of earned paid sick time, including
15 time to care for their family members.~~

16 ~~(2) Diminish public and private health care costs and
17 promote preventive health services in this Commonwealth by
18 enabling workers to seek early and routine medical care for
19 themselves and their family members.~~

20 ~~(3) Protect the public's health in this Commonwealth by
21 reducing the risk of contagion.~~

22 ~~(4) Promote the economic security and stability of
23 workers and their families.~~

24 ~~(5) Protect employees in this Commonwealth from losing
25 their jobs or facing workplace discipline when they use the
26 paid sick time they earn to care for themselves or their
27 families.~~

28 ~~(6) Assist victims of domestic violence and their family
29 members by providing them job protected time away from work
30 to receive treatment and take the necessary steps to ensure~~

1 ~~their safety.~~

2 ~~(7) Safeguard the public welfare, health, safety and~~
3 ~~prosperity of the people of this Commonwealth.~~

4 ~~(8) Accomplish the purposes described in this section in~~
5 ~~a manner that is feasible for employers.~~

6 ~~Section 3. Definitions.~~

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

10 ~~"Department." The Department of Labor and Industry of the~~
11 ~~Commonwealth.~~

12 ~~"Earned paid sick time." Time that an employee is~~
13 ~~compensated for at the same hourly rate and with the same~~
14 ~~benefits, including health care benefits, as the employee~~
15 ~~normally earns during hours worked and is provided by the~~
16 ~~employer to the employee for the purposes described in section~~
17 ~~5.~~

18 ~~"Employee." An individual who works part time or full time~~
19 ~~for an employer or who is under the direction of an employer or~~
20 ~~a subcontractor of an employer for wages, salary or remuneration~~
21 ~~of any type under contract or subcontract of employment. The~~
22 ~~term does not include an individual who is subject to the~~
23 ~~provisions of the Railroad Unemployment Insurance Act of 1938~~
24 ~~(45 U.S.C. § 351 et seq.).~~

25 ~~"Employer." A person, including an agent of a person, that~~
26 ~~engages the services of an employee for wages, salary or~~
27 ~~remuneration of any type under contract or subcontract of~~
28 ~~employment. The term does not include the Federal Government.~~

29 ~~"Family member." Any of the following with respect to an~~
30 ~~employee:~~

1 ~~(1) Regardless of age, a biological, adopted or foster~~
2 ~~child, stepchild or legal ward, a child of a domestic~~
3 ~~partner, a child to whom the employee stands in loco parentis~~
4 ~~or an individual to whom the employee stood in loco parentis~~
5 ~~when the individual was a minor.~~

6 ~~(2) A biological, foster, stepparent or adoptive parent~~
7 ~~or legal guardian of the employee or the employee's spouse or~~
8 ~~domestic partner or an individual who stood in loco parentis~~
9 ~~when the employee or employee's spouse or domestic partner~~
10 ~~was a minor child.~~

11 ~~(3) An individual to whom the employee is legally~~
12 ~~married under the laws of a state or a domestic partner of an~~
13 ~~employee as registered under the laws of a state or political~~
14 ~~subdivision.~~

15 ~~(4) A grandparent, grandchild or sibling, whether of a~~
16 ~~biological, foster, adoptive or step relationship, of the~~
17 ~~employee or the employee's spouse or domestic partner.~~

18 ~~(5) Any other individual related by blood.~~

19 ~~(6) Any other individual whose close association with~~
20 ~~the employee is the equivalent of a family relationship.~~

21 ~~"Health care provider." An individual licensed under Federal~~
22 ~~or State law to provide medical or emergency services, including~~
23 ~~a doctor, nurse, certified nurse midwife and emergency room~~
24 ~~personnel.~~

25 ~~"Minimum Wage Act." The act of January 17, 1968 (P.L.11,~~
26 ~~No.5), known as The Minimum Wage Act of 1968.~~

27 ~~"Municipality." A city, borough, incorporated town or~~
28 ~~township. The term includes a municipality operating under 53-~~
29 ~~Pa.C.S. Pt. III Subpt. E (relating to home rule and optional~~
30 ~~plan government).~~

1 ~~"Retaliatory personnel action." Any of the following:~~

2 ~~(1) A denial of a right guaranteed under this act.~~

3 ~~(2) A threat, discharge, suspension, demotion, reduction~~
4 ~~of hours, reporting or threatening to report an employee's~~
5 ~~suspected citizenship or immigration status or the suspected~~
6 ~~citizenship or immigration status of a family member of the~~
7 ~~employee to a Federal, State or local agency.~~

8 ~~(3) Any other adverse action against an employee for the~~
9 ~~exercise of a right guaranteed under this act, including a~~
10 ~~sanction against an employee who is the recipient of public~~
11 ~~benefits for rights guaranteed under this act.~~

12 ~~(4) Interference with or punishment for in any manner~~
13 ~~participating in or assisting an investigation, proceeding or~~
14 ~~hearing under this act.~~

15 ~~"Secretary." The Secretary of Labor and Industry of the~~
16 ~~Commonwealth.~~

17 ~~"Year." As follows:~~

18 ~~(1) A regular and consecutive 12 month period as~~
19 ~~determined by an employer and communicated to its employees.~~

20 ~~(2) For the purposes of sections 8 and 14, the term~~
21 ~~means a calendar year.~~

22 ~~Section 4. Accrual of earned paid sick time.~~

23 ~~(a) General rule. An employee shall accrue a minimum of one~~
24 ~~hour of earned paid sick time for every 30 hours worked,~~
25 ~~beginning at the commencement of employment or on the date this~~
26 ~~act goes into effect, whichever is later.~~

27 ~~(b) Exemption. An employee who is exempt from overtime~~
28 ~~requirements of section 5 of the Minimum Wage Act as an~~
29 ~~administrative, executive or professional employee shall be~~
30 ~~deemed to work 40 hours per workweek for purposes of this act~~

1 ~~unless the employee's normal workweek is less than 40 hours, in~~
2 ~~which case the employee shall accrue earned paid sick time based~~
3 ~~upon that normal workweek.~~

4 ~~(c) Limit. An employer may limit an employee's use of~~
5 ~~earned paid sick time to 80 hours in each year.~~

6 ~~(d) Carry over.~~

7 ~~(1) An employer shall carry over earned paid sick time~~
8 ~~to the following year.~~

9 ~~(2) In lieu of carryover of unused earned paid sick time~~
10 ~~from one year to the next under paragraph (1), an employer~~
11 ~~may pay an employee for unused earned paid sick time at the~~
12 ~~end of a year and provide the employee with an amount of paid~~
13 ~~sick time that meets or exceeds the requirements of this act~~
14 ~~that is available for the employee's immediate use at the~~
15 ~~beginning of the subsequent year.~~

16 ~~(e) Distribution of leave. An employer may:~~

17 ~~(1) Provide the full amount of earned paid sick time an~~
18 ~~employee is expected to earn in the year to the employee at~~
19 ~~the beginning of the year.~~

20 ~~(2) Lend earned paid sick time to an employee in advance~~
21 ~~of accrual, documenting that loan.~~

22 ~~(f) Additional time not required.~~

23 ~~(1) An employer is not required to provide additional~~
24 ~~paid sick time if the employer provides a paid leave policy~~
25 ~~or paid time off policy that makes an amount of leave~~
26 ~~available that is sufficient to meet the accrual, carryover~~
27 ~~and use requirements of this act.~~

28 ~~(2) The leave or time off provided under the employer's~~
29 ~~paid leave policy or paid time off policy may be used to~~
30 ~~satisfy the earned paid sick time requirements of this act.~~

1 ~~(3) When used to satisfy the requirements of this act,~~
2 ~~the leave shall be used for the same purposes, under the same~~
3 ~~conditions, and with the same protections as earned paid sick~~
4 ~~time under this act.~~

5 Section 5. ~~Use of earned paid sick time.~~

6 ~~(a) General rule. An employer shall provide earned paid~~
7 ~~sick time to an employee for:~~

8 ~~(1) The employee's:~~

9 ~~(i) mental or physical illness, injury or health~~
10 ~~condition;~~

11 ~~(ii) need for medical diagnosis, care or treatment~~
12 ~~of a mental or physical illness, injury or health~~
13 ~~condition; or~~

14 ~~(iii) need for preventive medical care.~~

15 ~~(2) Care of a family member:~~

16 ~~(i) with a mental or physical illness, injury or~~
17 ~~health condition;~~

18 ~~(ii) who needs medical diagnosis, care or treatment~~
19 ~~of a mental or physical illness, injury or health~~
20 ~~condition;~~

21 ~~(iii) who needs preventive medical care; or~~

22 ~~(iv) where, in the case of a child, the employee~~
23 ~~must attend a school meeting or a meeting at a place~~
24 ~~where the child receives care necessitated by the child's~~
25 ~~health condition or disability or emotional difficulties~~
26 ~~caused by an act of abuse or sexual violence as defined~~
27 ~~in paragraph (6).~~

28 ~~(3) Closure of the employee's place of business by order~~
29 ~~of a public official due to a public health emergency.~~

30 ~~(4) The employee's need to care for a child whose school~~

1 ~~or place of care has been closed by order of a public~~
2 ~~official due to a public health emergency.~~

3 ~~(5) The employee's need to care for oneself or a family~~
4 ~~member when it has been determined by a health authority~~
5 ~~having jurisdiction, a health care provider or the employer~~
6 ~~of the employee or employee's family member, that the~~
7 ~~employee's or family member's presence in the community may~~
8 ~~jeopardize the health of others because of the employee's or~~
9 ~~family member's exposure to a communicable disease, whether~~
10 ~~or not the employee or family member has actually contracted~~
11 ~~the communicable disease.~~

12 ~~(6) The employee's inability to work or telework because~~
13 ~~the employee is:~~

14 ~~(i) prohibited from working by the employer due to~~
15 ~~health concerns related to the potential transmission of~~
16 ~~a communicable illness related to the public health~~
17 ~~emergency; or~~

18 ~~(ii) seeking or awaiting the results of a diagnostic~~
19 ~~test for, or a medical diagnosis of, the communicable~~
20 ~~illness related to a public emergency and the employee~~
21 ~~has been exposed to the communicable illness or the~~
22 ~~employee's employer has requested the test or diagnosis.~~

23 ~~(7) Absence necessary due to an act of abuse as defined~~
24 ~~in 23 Pa.C.S. § 6102(a) (relating to definitions), sexual~~
25 ~~violence as defined in 42 Pa.C.S. § 62A03 (relating to~~
26 ~~definitions) or an act of domestic or other violence as~~
27 ~~defined in 55 Pa. Code § 3042.3 (relating to definitions), if~~
28 ~~the leave is for the purpose of allowing the employee to~~
29 ~~obtain for the employee or the employee's family member:~~

30 ~~(i) Diagnosis, treatment, care or other assistance~~

1 ~~for a physical, mental or emotional injury or other~~
2 ~~medical attention needed to recover from a physical or~~
3 ~~psychological injury or disability caused by abuse or~~
4 ~~sexual violence.~~

5 ~~(ii) Services from a victim services organization.~~

6 ~~(iii) Psychological or other counseling.~~

7 ~~(iv) Relocation or taking steps to secure an~~
8 ~~existing home due to the abuse or sexual violence.~~

9 ~~(v) Legal services, including preparing for or~~
10 ~~participating in a civil or criminal legal proceeding,~~
11 ~~related to or resulting from the abuse or sexual~~
12 ~~violence.~~

13 ~~(b) Request for time. An employer shall provide, at the~~
14 ~~request of an employee, earned paid sick time. The request may~~
15 ~~be made orally, in writing, by electronic means or by any other~~
16 ~~means acceptable to the employer. When possible, the request~~
17 ~~shall include the expected duration of the absence.~~

18 ~~(c) Good faith effort by employee.~~

19 ~~(1) If the use of earned paid sick time is foreseeable,~~
20 ~~the employee shall make:~~

21 ~~(i) a good faith effort to provide notice of the~~
22 ~~need for time to the employer in advance of the use of~~
23 ~~the earned paid sick time; and~~

24 ~~(ii) a reasonable effort to schedule the use of~~
25 ~~earned paid sick time in a manner that does not unduly~~
26 ~~disrupt the operations of the employer.~~

27 ~~(2) If the use of earned paid sick time is not~~
28 ~~foreseeable, the employee shall provide written or verbal~~
29 ~~notice of the need for the leave to the employer as soon as~~
30 ~~practicable.~~

1 ~~(d) Policy. An employer that requires specific notice of~~
2 ~~the use of earned paid sick time shall provide a written policy~~
3 ~~that contains procedures for the employee to provide notice. An~~
4 ~~employer that has not provided to the employee a copy of its~~
5 ~~written policy for providing specific notice may not deny earned~~
6 ~~paid sick time to the employee based on noncompliance with the~~
7 ~~policy.~~

8 ~~(e) Coverage. An employer may not require, as a condition~~
9 ~~of an employee's taking earned paid sick time, that the employee~~
10 ~~search for or find a replacement worker to cover the hours or~~
11 ~~days during which the employee uses earned paid sick time.~~

12 ~~(f) Increments. Earned paid sick time may be used in the~~
13 ~~smaller of hourly increments or the smallest increment that the~~
14 ~~employer's payroll system uses to account for absences or use of~~
15 ~~other time.~~

16 ~~(g) Documentation.—~~

17 ~~(1) For earned paid sick time of three or more~~
18 ~~consecutive work days, an employer may require reasonable~~
19 ~~documentation that the earned paid sick time has been used~~
20 ~~for a purpose covered by this subsection.~~

21 ~~(2) Documentation signed by a health care professional~~
22 ~~indicating that earned paid sick time is necessary shall be~~
23 ~~considered reasonable documentation for purposes of this~~
24 ~~section.~~

25 ~~(3) In a case of abuse or sexual violence any of the~~
26 ~~following types of documentation shall be considered~~
27 ~~reasonable documentation:~~

28 ~~(i) A police report indicating that the employee or~~
29 ~~the employee's family member was a victim of abuse or~~
30 ~~sexual violence.~~

1 ~~(ii) A signed statement from a victim and witness~~
2 ~~advocate affirming that the employee or employee's family~~
3 ~~member is receiving services from a victim services~~
4 ~~organization.~~

5 ~~(iii) A court document indicating that the employee~~
6 ~~or employee's family member is involved in legal action~~
7 ~~related to abuse or sexual violence.~~

8 ~~(iv) An employer may not require that the~~
9 ~~documentation explain the nature of the illness or the~~
10 ~~details of the violence.~~

11 ~~(h) Cost of documentation.~~

12 ~~(1) If an employer chooses to require documentation for~~
13 ~~earned paid sick time and the employer does not offer health~~
14 ~~insurance to an employee, the employer shall pay all out of~~
15 ~~pocket expenses the employee incurs in obtaining the~~
16 ~~documentation.~~

17 ~~(2) If an employee has health insurance, the employer~~
18 ~~shall pay costs charged to the employee by the health care~~
19 ~~provider for providing the specific documentation required by~~
20 ~~the employer.~~

21 ~~(3) An employer shall pay costs charged to an employee~~
22 ~~for documentation of abuse or sexual violence required by the~~
23 ~~employer.~~

24 ~~Section 6. Payment of earned sick time.~~

25 ~~(a) Calculation.~~

26 ~~(1) Earned paid sick time may not be compensated at an~~
27 ~~hourly amount less than that provided under 29 U.S.C. §~~
28 ~~206(a)(1) (relating to minimum wage), The Minimum Wage Act or~~
29 ~~a higher amount if a higher amount is enacted for employees~~
30 ~~in this Commonwealth, whichever is greater.~~

1 ~~(2) If an employee, in the 90 days of employment before~~
2 ~~using accrued sick leave, had different hourly pay rates, was~~
3 ~~paid by commission or piece rate or was a nonexempt salaried~~
4 ~~employee, the rate of pay shall be calculated by dividing the~~
5 ~~employee's total wages, not including overtime premium pay,~~
6 ~~by the total number of hours worked in the full pay periods~~
7 ~~of the prior 90 days of employment.~~

8 ~~(b) Payment. An employer shall provide payment for earned~~
9 ~~paid sick time used by an employee no later than the payday for~~
10 ~~the next regular payroll period after the earned paid sick time~~
11 ~~was used.~~

12 ~~(c) Reimbursement. Nothing in this section shall be~~
13 ~~construed as requiring financial or other reimbursement to an~~
14 ~~employee from an employer upon the employee's termination,~~
15 ~~resignation, retirement or other separation from employment for~~
16 ~~accrued earned paid sick time that has not been used unless~~
17 ~~otherwise required by law or collective bargaining agreement.~~

18 ~~(d) Transfer. If an employee is transferred to a separate~~
19 ~~division, entity or location, but remains employed by the same~~
20 ~~employer, the employee is entitled to:~~

21 ~~(1) all earned paid sick time accrued at the prior~~
22 ~~division, entity or location; and~~

23 ~~(2) use all earned paid sick time as provided in this~~
24 ~~section.~~

25 ~~(e) Separation.~~

26 ~~(1) If there is a separation from employment and the~~
27 ~~employee is rehired within 12 months of separation by the~~
28 ~~same employer, the employer shall reinstate previously~~
29 ~~accrued earned paid sick time that had not been used.~~

30 ~~(2) The employee shall be entitled to use accrued earned~~

1 ~~paid sick time and accrue additional earned paid sick time at~~
2 ~~the recommencement of employment.~~

3 ~~(f) Succession or takeover. If a different employer~~
4 ~~succeeds or takes the place of an existing employer, all~~
5 ~~employees of the original employer who remain employed by the~~
6 ~~successor employer are entitled to:~~

7 ~~(1) all earned paid sick time they accrued when employed~~
8 ~~by the original employer; and~~

9 ~~(2) use earned paid sick time previously accrued.~~

10 ~~Section 7. Notice and posting.~~

11 ~~(a) Duty of employer.~~

12 ~~(1) An employer shall give an employee written notice of~~
13 ~~the following at the commencement of employment:~~

14 ~~(i) Entitlement to earned paid sick time and the~~
15 ~~amount of earned paid sick time.~~

16 ~~(ii) The terms of use of earned paid sick time~~
17 ~~guaranteed under this act.~~

18 ~~(iii) Retaliatory personnel action against an~~
19 ~~employee who requests or uses earned paid sick time is~~
20 ~~prohibited by law.~~

21 ~~(iv) The right to file a complaint or bring a civil~~
22 ~~action if earned paid sick time as required by this act~~
23 ~~is denied by the employer or the employee is subjected to~~
24 ~~retaliatory personnel action for requesting or taking~~
25 ~~earned paid sick time.~~

26 ~~(v) The contact information for the department where~~
27 ~~questions about rights and responsibilities under this~~
28 ~~act can be answered.~~

29 ~~(2) The department may impose penalties on an employer~~
30 ~~that fails to provide notice in accordance with this~~

1 subsection.

2 ~~(b) Display. An employer shall display a poster, developed~~
3 ~~by the department, in a conspicuous place within each workplace~~
4 ~~of the employer, that states all of the following:~~

5 ~~(1) An employee is entitled to accrue, request and use~~
6 ~~earned paid sick time provided under this act.~~

7 ~~(2) The amount of earned paid sick time provided under~~
8 ~~this act.~~

9 ~~(3) The terms of use of earned paid sick time.~~

10 ~~(4) Retaliatory personnel actions or discrimination~~
11 ~~against an employee who requests earned paid sick time or~~
12 ~~uses earned paid sick time, or both, is prohibited and that~~
13 ~~an employee has the right under law to file a complaint with~~
14 ~~the department against an employer that retaliates or~~
15 ~~discriminates against the employee.~~

16 ~~(c) Information on paycheck. The amount of earned paid sick~~
17 ~~time available to an employee, the amount of earned paid sick~~
18 ~~time taken by an employee to date in the year and the amount of~~
19 ~~pay an employee has received as earned paid sick time, shall be~~
20 ~~recorded in, or on an attachment to, the employee's regular~~
21 ~~paycheck.~~

22 Section 8. Employer records.

23 ~~(a) Duty of employer. An employer shall retain records~~
24 ~~documenting hours worked by an employee and earned paid sick~~
25 ~~time taken by an employee for a period of three years, and shall~~
26 ~~allow the department access to the records, with appropriate~~
27 ~~notice and at a mutually agreeable time, to monitor compliance~~
28 ~~with the requirements of this act.~~

29 ~~(b) Presumption. If an issue arises as to an employee's~~
30 ~~entitlement to earned paid sick time under this section and the~~

1 ~~employer has not maintained or retained adequate records~~
2 ~~documenting hours worked by the employee and earned paid sick~~
3 ~~time taken by the employee, or does not allow the department~~
4 ~~reasonable access to the records, it shall be presumed that the~~
5 ~~employer has violated this act, absent clear and convincing~~
6 ~~evidence otherwise.~~

7 ~~Section 9. Regulations.~~

8 ~~The department may promulgate rules and regulations to~~
9 ~~administer and enforce this act.~~

10 ~~Section 10. Confidentiality and nondisclosure.~~

11 ~~(a) Prohibition. An employer may not require disclosure of~~
12 ~~details relating to abuse or sexual violence or the details of~~
13 ~~an employee's or an employee's family member's health~~
14 ~~information as a condition of providing earned paid sick time~~
15 ~~under this act.~~

16 ~~(b) Duty of employer. If an employer possesses health~~
17 ~~information or information pertaining to abuse or sexual~~
18 ~~violence about an employee or employee's family member, the~~
19 ~~employer shall treat the information as confidential and may not~~
20 ~~disclose the information, except to the affected employee or~~
21 ~~with the permission of the affected employee.~~

22 ~~Section 11. Other legal requirements.~~

23 ~~This act provides minimum requirements pertaining to earned~~
24 ~~paid sick time and shall not be construed to preempt, limit or~~
25 ~~otherwise affect the applicability of any other law, regulation,~~
26 ~~requirement, policy or standard that:~~

27 ~~(1) provides greater accrual or use by an employee of~~
28 ~~earned paid sick time; or~~

29 ~~(2) extends other protections to an employee.~~

30 ~~Section 12. Exercise of rights protected and retaliation~~

1 ~~prohibited.~~

2 ~~The following apply:~~

3 ~~(1) An employer or other person may not interfere with,~~
4 ~~restrain or deny the exercise of or the attempt to exercise a~~
5 ~~right protected under this act.~~

6 ~~(2) An employer may not take retaliatory personnel~~
7 ~~action or discriminate against an employee or former employee~~
8 ~~because the individual has exercised a right protected under~~
9 ~~this act, including:~~

10 ~~(i) The right to request or use earned paid sick~~
11 ~~time as provided under this act.~~

12 ~~(ii) The right to file a complaint with the~~
13 ~~department or court or inform an individual about an~~
14 ~~employer's alleged violation of this act.~~

15 ~~(iii) The right to participate in an investigation,~~
16 ~~hearing or proceeding or cooperate with or assist the~~
17 ~~department in the department's investigation of an~~
18 ~~alleged violation of this act.~~

19 ~~(iv) The right to inform an individual of the~~
20 ~~individual's rights under this act.~~

21 ~~(3) An employer may not establish or enforce an absence~~
22 ~~control policy to count earned paid sick time taken under~~
23 ~~this act as an absence that leads to or results in~~
24 ~~discipline, discharge, demotion, suspension or other adverse~~
25 ~~action against an employee.~~

26 ~~(4) This section shall apply to an individual who, in~~
27 ~~good faith, alleges a violation of this act.~~

28 ~~(5) There shall be a rebuttable presumption of unlawful~~
29 ~~retaliatory personnel action under this section if an~~
30 ~~employer takes adverse action against an individual within 90~~

1 ~~days of when the individual:~~

2 ~~(i) files a complaint with the department or a court~~
3 ~~alleging a violation of this act;~~

4 ~~(ii) informs a person about the employer's alleged~~
5 ~~violation of this act;~~

6 ~~(iii) cooperates with the department or a person in~~
7 ~~the investigation or prosecution of an alleged violation~~
8 ~~of this act;~~

9 ~~(iv) opposes a policy, practice or act that is~~
10 ~~unlawful under this act; or~~

11 ~~(v) informs another individual of the other~~
12 ~~individual's rights under this act.~~

13 ~~Section 13. Complaint procedure.~~

14 ~~An employee may file on a form prescribed by the department a~~
15 ~~complaint against the employer for an alleged violation of this~~
16 ~~act. The department shall establish a process by regulation for~~
17 ~~investigating and resolving a complaint.~~

18 ~~Section 14. Enforcement.~~

19 ~~(a) Violation. An employer who willfully violates the~~
20 ~~notice and posting provisions of section 7 shall be subject to a~~
21 ~~penalty, not to exceed \$250 for each offense, to be imposed by~~
22 ~~the department.~~

23 ~~(b) Department order. The department may order an employer~~
24 ~~who is found to be in violation of this act to do any of the~~
25 ~~following with respect to an employee:~~

26 ~~(1) Reinstate the employee with back pay.~~

27 ~~(2) Pay the employee the amount of sick leave unlawfully~~
28 ~~withheld.~~

29 ~~(3) Pay the employee an additional sum in the form of an~~
30 ~~administrative penalty as follows:~~

1 ~~(i) If earned paid sick time was unlawfully~~
2 ~~withheld, the administrative penalty shall be an amount~~
3 ~~equal to the dollar amount of earned paid sick time~~
4 ~~unlawfully withheld multiplied by three, or \$250,~~
5 ~~whichever is greater, not to exceed \$5,000.~~

6 ~~(ii) If the violation of this act resulted in~~
7 ~~additional harm to the employee, such as discharge from~~
8 ~~employment, or otherwise results in a violation of the~~
9 ~~rights of the employee, the administrative penalty shall~~
10 ~~include an additional sum of \$500 for each day or portion~~
11 ~~of a day that the violation occurred or continued, not to~~
12 ~~exceed \$10,000.~~

13 ~~(c) Civil action. The secretary, the Attorney General or an~~
14 ~~employee may bring a civil action in a court of competent~~
15 ~~jurisdiction against the employer or a person violating this act~~
16 ~~and, upon prevailing and except as provided under subsection (d)~~
17 ~~or (e), shall be entitled to collect legal or equitable relief~~
18 ~~on behalf of the aggrieved as may be appropriate to remedy the~~
19 ~~violation, including:~~

20 ~~(1) Reinstatement of the employee with back pay.~~

21 ~~(2) Payment of earned paid sick time unlawfully~~
22 ~~withheld.~~

23 ~~(3) The payment of:~~

24 ~~(i) An additional sum, not to exceed an aggregate~~
25 ~~penalty of \$5,000, as liquidated damages in the amount of~~
26 ~~\$50 to each employee or individual whose rights under~~
27 ~~this act were violated for each day or portion of a day~~
28 ~~that the violation occurred or continued.~~

29 ~~(ii) If the employer unlawfully withheld earned paid~~
30 ~~sick time to the employee, the dollar amount of paid sick~~

1 ~~days withheld from the employee multiplied by three or~~
2 ~~\$250, whichever amount is greater.~~

3 ~~(4) Injunctive relief.~~

4 ~~(5) Reasonable attorney fees and costs.~~

5 ~~(d) Limitation on damages. The secretary, the Attorney~~
6 ~~General or an employee enforcing this act on behalf of the~~
7 ~~public shall, upon prevailing, be entitled only to equitable,~~
8 ~~injunctive or restitutionary relief and reasonable attorney fees~~
9 ~~and costs.~~

10 ~~(e) Error.~~

11 ~~(1) An employer may not be assessed a penalty or~~
12 ~~liquidated damages under this section due to an isolated and~~
13 ~~unintentional payroll error or written notice error that is a~~
14 ~~clerical or an inadvertent mistake regarding the accrual or~~
15 ~~available use of earned paid sick time.~~

16 ~~(2) In a review under this subsection, consideration may~~
17 ~~be given to whether the employer, prior to an alleged~~
18 ~~violation, has adopted and is in compliance with a set of~~
19 ~~policies, procedures and practices that fully comply with~~
20 ~~this act.~~

21 ~~(f) Interest. In an administrative or civil action brought~~
22 ~~under this section, the secretary or a court shall award~~
23 ~~interest on each amount due and unpaid calculated in accordance~~
24 ~~with law.~~

25 ~~(g) Penalties cumulative. The remedies, penalties and~~
26 ~~procedures provided under this section shall be cumulative.~~

27 ~~(h) Applicability. This section shall only apply within two~~
28 ~~years from the date that an employee became aware of an alleged~~
29 ~~violation of this act.~~

30 ~~Section 15. Construction.~~

1 ~~This act:~~

2 ~~(1) May not be construed to invalidate an ordinance or~~
3 ~~other mandate enacted by a municipality prior to the~~
4 ~~effective date of this paragraph that requires employers~~
5 ~~within the municipality to provide paid sick leave benefits~~
6 ~~more generous than those contained under this act.~~

7 ~~(2) May not be construed to prohibit a municipality from~~
8 ~~enacting an ordinance or mandate that requires employers~~
9 ~~within the municipality to provide paid sick leave benefits~~
10 ~~more generous than those contained under this act.~~

11 ~~(3) May not be construed to discourage or prohibit an~~
12 ~~employer from the adoption or retention of an earned paid~~
13 ~~sick time policy more generous than that contained in this~~
14 ~~act or an ordinance adopted by a municipality under paragraph~~
15 ~~(1) or (2).~~

16 ~~(4) May not preempt or otherwise apply to an ordinance~~
17 ~~or mandate enacted by a municipality affecting vacation,~~
18 ~~public health emergency leave or other form of leave offered~~
19 ~~by an employer within the municipality.~~

20 ~~(5) May not be construed to mandate a municipality to~~
21 ~~adopt an ordinance applicable to an employer within the~~
22 ~~municipality relating to compensation, vacation or other~~
23 ~~forms of leave from employment.~~

24 ~~(6) May not limit or affect any Federal, State or local~~
25 ~~law guaranteeing privacy of health information or information~~
26 ~~related to domestic violence or sexual assault regarding an~~
27 ~~employee or employee's family member.~~

28 ~~(7) May not relieve or lessen the obligation of an~~
29 ~~employer to comply with a contract, collective bargaining~~
30 ~~agreement, employment benefit plan or other agreement in~~

1 ~~effect on the effective date of this paragraph that provides~~
2 ~~more paid sick leave to an employee than that required by~~
3 ~~this act or an ordinance adopted by a municipality under~~
4 ~~paragraph (1) or (2).~~

5 ~~(8) May not be construed to remove the contents of this~~
6 ~~act from the scope of collective bargaining under:~~

7 ~~(i) the act of June 1, 1937 (P.L.1168, No.294),~~
8 ~~known as the Pennsylvania Labor Relations Act;~~

9 ~~(ii) the act of March 10, 1949 (P.L.30, No.14),~~
10 ~~known as the Public School Code of 1949;~~

11 ~~(iii) the act of June 24, 1968 (P.L.237, No.111),~~
12 ~~referred to as the Policemen and Firemen Collective~~
13 ~~Bargaining Act; or~~

14 ~~(iv) the act of July 23, 1970 (P.L.563, No.195),~~
15 ~~known as the Public Employe Relations Act.~~

16 ~~(9) May not preempt, limit or affect the applicability~~
17 ~~of any other law, regulation, requirement, policy or standard~~
18 ~~providing for equal or greater accrual or use of paid or~~
19 ~~unpaid earned sick time or that extends other protections to~~
20 ~~an employee.~~

21 ~~(10) May not supersede or preempt the rights, remedies~~
22 ~~and procedures afforded to school employees or labor~~
23 ~~organizations under Federal or State law, including the~~
24 ~~Public Employe Relations Act.~~

25 ~~(11) Shall be in addition to and independent of any~~
26 ~~other right, remedy or procedure available under any other~~
27 ~~law and shall not be construed to diminish, alter or negate~~
28 ~~any other legal right, remedy or procedure available to an~~
29 ~~aggrieved individual.~~

30 ~~Section 16. Public education and outreach.~~

~~1 The department shall develop and implement a multilingual
2 outreach program to inform employees, parents and individuals
3 who are under the care of a health care provider about the
4 availability of earned paid sick time under this act. The
5 department shall distribute notices and other written materials
6 about the program in English and any language that is the first
7 language spoken by at least 5% of this Commonwealth's population
8 to all child care and elder care providers, domestic violence
9 shelters, schools, hospitals, community health centers and other
10 health care providers.~~

~~11 Section 17. Effective date.~~

~~12 This act shall take effect in 180 days.~~

13 CHAPTER 1

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14 PRELIMINARY PROVISIONS

15 SECTION 101. SHORT TITLE.

16 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE EARNED PAID
17 LEAVE ACT.

18 SECTION 102. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
20 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "DEPARTMENT." THE DEPARTMENT OF LABOR AND INDUSTRY OF THE
23 COMMONWEALTH.

24 "EARNED PAID LEAVE." LEAVE EARNED BY AN EMPLOYEE AND PAID BY
25 AN EMPLOYER IN ACCORDANCE WITH CHAPTER 3.

26 "EMPLOYEE." AS FOLLOWS:

27 (1) AN INDIVIDUAL ENGAGED IN EMPLOYMENT.

28 (2) THE TERM DOES NOT INCLUDE AN INDIVIDUAL WHO IS
29 SUBJECT TO THE PROVISIONS OF THE RAILROAD UNEMPLOYMENT
30 INSURANCE ACT (52 STAT. 1113, 45 U.S.C. § 351 ET SEQ.).

1 "EMPLOYER." AS FOLLOWS:

2 (1) AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION,
3 CORPORATION, LIMITED LIABILITY COMPANY, BUSINESS TRUST OR
4 BUSINESS ENTITY THAT HIRES AN INDIVIDUAL, PAYS THE INDIVIDUAL
5 A SALARY OR WAGE AND HAS THE POWER TO CONTROL THE WORK DUTIES
6 OF OR OTHERWISE SUPERVISE THE INDIVIDUAL.

7 (2) THE TERM INCLUDES:

8 (I) AN EMPLOYMENT AGENCY OR LABOR PLACEMENT AGENCY
9 THAT DIRECTLY OR INDIRECTLY MAKES WAGE PAYMENTS FOR WORK
10 UNDERTAKEN BY INDIVIDUALS UNDER HIRE TO A THIRD PARTY
11 PURSUANT TO A CONTRACT BETWEEN THE AGENCY AND THE THIRD
12 PARTY.

13 (II) A PERSON OR GROUP OF PERSONS ACTING DIRECTLY OR
14 INDIRECTLY IN THE INTEREST OF AN EMPLOYER IN RELATION TO
15 AN EMPLOYEE.

16 (III) A GOVERNMENT AGENCY AS DEFINED IN 2 PA.C.S. §
17 101 (RELATING TO DEFINITIONS).

18 "EMPLOYMENT." AS FOLLOWS:

19 (1) ALL PERSONAL SERVICE PERFORMED FOR REMUNERATION BY
20 AN INDIVIDUAL UNDER A CONTRACT OF HIRE, EXPRESS OR IMPLIED,
21 WRITTEN OR ORAL, INCLUDING SERVICE IN INTERSTATE COMMERCE AND
22 SERVICE AS AN OFFICER OF A CORPORATION.

23 (2) THE TERM DOES NOT INCLUDE SERVICE PERFORMED BY AN
24 INDEPENDENT CONTRACTOR.

25 "REGULAR RATE OF PAY." AS DEFINED UNDER THE FAIR LABOR
26 STANDARDS ACT OF 1938 (52 STAT. 1060, 29 U.S.C. § 201 ET SEQ.).

27 "SECRETARY." THE SECRETARY OF LABOR AND INDUSTRY OF THE
28 COMMONWEALTH.

29 "UNDUE HARDSHIP." A SIGNIFICANT IMPACT ON THE OPERATION OF
30 THE BUSINESS OR SIGNIFICANT EXPENSES CONSIDERING THE FINANCIAL

1 RESOURCES OF THE EMPLOYER, THE SIZE OF THE WORKFORCE AND THE
2 NATURE OF THE INDUSTRY.

3 CHAPTER 3

4 EARNED PAID LEAVE

5 SECTION 301. EARNED PAID LEAVE GENERALLY.

6 AN EMPLOYER THAT EMPLOYS AN EMPLOYEE IN THE USUAL AND REGULAR
7 COURSE OF BUSINESS FOR MORE THAN 90 CALENDAR DAYS IN A ONE-YEAR
8 PERIOD SHALL PERMIT THE EMPLOYEE TO EARN PAID LEAVE BASED ON THE
9 EMPLOYEE'S REGULAR RATE OF PAY IN ACCORDANCE WITH THIS CHAPTER.

10 SECTION 302. ACCRUAL OF EARNED PAID LEAVE.

11 (A) ENTITLEMENT.--AN EMPLOYEE IS ENTITLED TO EARN ONE HOUR
12 OF PAID LEAVE FROM A SINGLE EMPLOYER FOR EVERY 40 HOURS WORKED,
13 UP TO 40 HOURS IN ONE YEAR OF EMPLOYMENT.

14 (B) COMMENCEMENT.--

15 (1) SUBJECT TO PARAGRAPH (2), ACCRUAL OF EARNED PAID
16 LEAVE BEGINS AT THE START OF EMPLOYMENT.

17 (2) AN EMPLOYER IS NOT REQUIRED TO PERMIT THE USE OF
18 EARNED PAID LEAVE BY AN EMPLOYEE BEFORE THE EMPLOYEE HAS BEEN
19 EMPLOYED BY THE EMPLOYER FOR 90 CALENDAR DAYS DURING A ONE-
20 YEAR PERIOD.

21 (C) ACCRUED AND UNUSED LEAVE.--AN EMPLOYEE OF AN EMPLOYER
22 WITH ACCRUED AND UNUSED HOURS OF EARNED PAID LEAVE FROM PREVIOUS
23 CALENDAR YEARS OF EMPLOYMENT WITH THE EMPLOYER SHALL HAVE THOSE
24 HOURS AVAILABLE FOR USE BY THE EMPLOYEE IN THE CURRENT CALENDAR
25 YEAR OF EMPLOYMENT, UP TO A MAXIMUM OF 40 HOURS.

26 (D) POLICY.--AN EMPLOYER MAY ESTABLISH A POLICY THAT PERMITS
27 PAYMENT OF ACCRUED AND UNUSED HOURS OF EARNED PAID LEAVE UPON
28 SEPARATION OF EMPLOYMENT IN ACCORDANCE WITH THE ACT OF JULY 14,
29 1961 (P.L.637, NO.329), KNOWN AS THE WAGE PAYMENT AND COLLECTION
30 LAW.

1 (E) RETURN TO EMPLOYMENT.--FOLLOWING SEPARATION OF
2 EMPLOYMENT, IF AN EMPLOYEE OF AN EMPLOYER RETURNS TO THE
3 EMPLOYER WITHIN A ONE-YEAR PERIOD, THE EMPLOYEE SHALL BE
4 ENTITLED TO ANY UNUSED BALANCE OF EARNED PAID LEAVE THAT WAS NOT
5 PAID OUT AT THE TIME OF THE SEPARATION FROM EMPLOYMENT.

6 SECTION 303. REGULAR RATE OF PAY AND BENEFITS WHILE USING
7 EARNED PAID LEAVE.

8 WHILE AN EMPLOYEE IS USING EARNED PAID LEAVE, THE EMPLOYER OF
9 THE EMPLOYEE SHALL:

10 (1) PAY THE EMPLOYEE AT LEAST THE SAME REGULAR RATE OF
11 PAY THAT THE EMPLOYEE RECEIVED THE WEEK IMMEDIATELY PRIOR TO
12 USING THE EARNED PAID LEAVE.

13 (2) PROVIDE THE SAME BENEFITS AS THOSE PROVIDED UNDER
14 ESTABLISHED POLICIES OF THE EMPLOYER PERTAINING TO OTHER
15 TYPES OF PAID LEAVE.

16 SECTION 304. NOTICE.

17 ABSENT AN EMERGENCY, ILLNESS OR OTHER SUDDEN NECESSITY FOR
18 TAKING EARNED LEAVE, AN EMPLOYEE SHALL MAKE A GOOD FAITH EFFORT
19 TO PROVIDE REASONABLE NOTICE TO THE SUPERVISOR OF THE EMPLOYEE
20 OF THE INTENT TO USE EARNED PAID LEAVE.

21 SECTION 305. UNDUE HARDSHIP.

22 USE OF EARNED PAID LEAVE MAY BE SCHEDULED TO PREVENT UNDUE
23 HARDSHIP ON THE EMPLOYER AS REASONABLY DETERMINED BY THE
24 EMPLOYER.

25 SECTION 306. INABILITY TO PERFORM DUTIES CAUSED BY EMPLOYER.

26 AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE TO USE ACCRUED EARNED
27 PAID LEAVE WHEN THE EMPLOYER CAUSES THE EMPLOYEE TO BE UNABLE TO
28 PERFORM JOB DUTIES OF THE EMPLOYEE, SUCH AS BY CLOSING THE
29 BUSINESS OR CANCELING A SHIFT.

30 SECTION 307. BENEFITS.

1 (A) PROHIBITIONS.--THE TAKING OF EARNED PAID LEAVE BY AN
2 EMPLOYEE MAY NOT:

3 (1) RESULT IN THE LOSS OF ANY EMPLOYEE BENEFIT ACCRUED
4 BEFORE THE DATE ON WHICH THE USE OF THE EARNED PAID LEAVE
5 COMMENCED.

6 (2) ADVERSELY AFFECT THE RIGHT OF THE EMPLOYEE TO HEALTH
7 INSURANCE BENEFITS ON THE SAME TERMS AND CONDITIONS AS
8 APPLICABLE TO SIMILARLY SITUATED EMPLOYEES.

9 (B) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL PREVENT AN
10 EMPLOYER FROM PROVIDING A BENEFIT GREATER THAN THAT PROVIDED BY
11 THIS SECTION.

12 SECTION 308. ADMINISTRATION AND ENFORCEMENT.

13 (A) AUTHORIZATION.--THE DEPARTMENT SHALL ADMINISTER AND
14 ENFORCE THIS CHAPTER.

15 (B) DUTIES OF SECRETARY.--THE SECRETARY MAY TAKE ANY OF THE
16 FOLLOWING ACTIONS TO ADMINISTER AND ENFORCE THIS CHAPTER:

17 (1) ENTER AND INSPECT A WORKSITE OR PLACE OF BUSINESS AT
18 ANY REASONABLE TIME TO EXAMINE AND INSPECT RECORDS THAT
19 RELATE TO COMPLIANCE WITH THIS CHAPTER.

20 (2) SUBPOENA WITNESSES, ADMINISTER OATHS, EXAMINE
21 WITNESSES AND COPY OR COMPEL THE PRODUCTION OF RECORDS,
22 CONTRACTS AND OTHER DOCUMENTS THAT ARE NECESSARY AND
23 APPROPRIATE TO ADMINISTER AND ENFORCE THIS CHAPTER.

24 (3) PETITION COMMONWEALTH COURT TO ENFORCE ANY SUBPOENA
25 OR ORDER ISSUED BY THE DEPARTMENT UNDER THIS CHAPTER.

26 SECTION 309. COMPLAINTS.

27 (A) DUTY OF DEPARTMENT.--THE DEPARTMENT SHALL ESTABLISH A
28 SYSTEM FOR ADJUDICATING COMPLAINTS RECEIVED UNDER THIS CHAPTER.

29 (B) RIGHT TO FILE COMPLAINT.--AN EMPLOYEE MAY FILE A
30 COMPLAINT WITH THE DEPARTMENT, ON A FORM AND IN A MANNER

1 PRESCRIBED BY THE DEPARTMENT, FOR AN ALLEGED VIOLATION OF THIS
2 CHAPTER.

3 SECTION 310. ADMINISTRATIVE PENALTY.

4 AN EMPLOYER THAT IS FOUND IN VIOLATION OF THIS CHAPTER SHALL
5 BE SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$500 FOR EACH
6 VIOLATION.

7 SECTION 311. PRIVATE CAUSE OF ACTION.

8 (A) AUTHORIZATION.--AN EMPLOYEE MAY BRING AN ACTION IN AN
9 APPROPRIATE COURT OF COMMON PLEAS FOR ANY OF THE FOLLOWING
10 ACTIONS BY THE EMPLOYER OF THE EMPLOYEE:

11 (1) DENIAL OF THE RIGHT TO ACCRUE OR USE EARNED PAID
12 LEAVE IN ACCORDANCE WITH THIS CHAPTER.

13 (2) DISCHARGING OR THREATENING THE EMPLOYEE, OR
14 OTHERWISE CAUSING THE EMPLOYEE TO SUFFER RETALIATION,
15 DISCRIMINATION OR OTHER ADVERSE EMPLOYMENT ACTION, AS A
16 RESULT OF:

17 (I) THE REQUEST OF THE EMPLOYEE TO ACCRUE OR USE
18 EARNED PAID LEAVE IN ACCORDANCE WITH THIS CHAPTER; OR

19 (II) THE PARTICIPATION IN AN INVESTIGATION OR THE
20 REPORTING OF A VIOLATION OF THIS CHAPTER BY THE EMPLOYEE.

21 (B) LIMITATION.--AN ACTION UNDER THIS SECTION MUST BE
22 BROUGHT WITHIN THREE YEARS FROM THE DATE THAT THE EMPLOYEE KNEW
23 OF THE VIOLATION, DISCHARGE, THREAT, RETALIATION, DISCRIMINATION
24 OR OTHER ADVERSE EMPLOYMENT ACTION.

25 (C) RELIEF.--AN EMPLOYEE WHO PREVAILS IN AN ACTION BROUGHT
26 UNDER THIS SECTION SHALL BE ENTITLED TO THE FOLLOWING RELIEF:

27 (1) REINSTATEMENT OF THE EMPLOYEE WITHOUT A LOSS IN
28 SENIORITY STATUS, IF APPLICABLE.

29 (2) REASONABLE ATTORNEY FEES AND COSTS OF THE ACTION.

30 (3) OTHER LEGAL AND EQUITABLE RELIEF THE COURT DEEMS

1 APPROPRIATE.

2 SECTION 312. CONSTRUCTION.

3 THIS CHAPTER PROVIDES MINIMUM REQUIREMENTS PERTAINING TO
4 EARNED PAID LEAVE AND NOTHING IN THIS CHAPTER SHALL BE CONSTRUED
5 TO:

6 (1) PREEMPT, LIMIT OR OTHERWISE AFFECT THE APPLICABILITY
7 OF ANY OTHER LAW, REGULATION, REQUIREMENT, POLICY OR STANDARD
8 THAT:

9 (I) PROVIDES FOR GREATER ACCRUAL OR USE BY EMPLOYEES
10 OF EARNED PAID LEAVE; OR

11 (II) EXTENDS OTHER PROTECTIONS TO EMPLOYEES.

12 (2) DISCOURAGE OR PROHIBIT AN EMPLOYER FROM ADOPTING OR
13 RETAINING AN EARNED LEAVE POLICY THAT IS MORE GENEROUS THAN
14 WHAT IS REQUIRED UNDER THIS CHAPTER.

15 (3) AFFECT AN OBLIGATION BY AN EMPLOYER TO COMPLY WITH A
16 COLLECTIVE BARGAINING AGREEMENT OR EMPLOYER BENEFIT PLAN THAT
17 PROVIDES GREATER EARNED PAID LEAVE RIGHTS FOR EMPLOYEES.

18 SECTION 313. RULES AND REGULATIONS.

19 THE DEPARTMENT SHALL ADOPT OR PROMULGATE RULES AND
20 REGULATIONS THAT ARE NECESSARY TO IMPLEMENT, ADMINISTER AND
21 ENFORCE THE PROVISIONS OF THIS CHAPTER, INCLUDING THOSE
22 REGARDING THE SYSTEM DEVELOPED FOR ADJUDICATING COMPLAINTS UNDER
23 SECTION 309 THAT INVOLVES THE RECEIPT, INVESTIGATION AND
24 PROSECUTION OF COMPLAINTS BROUGHT UNDER THIS CHAPTER.

25 SECTION 314. APPLICABILITY.

26 THIS CHAPTER DOES NOT APPLY TO AN EMPLOYEE COVERED BY A
27 COLLECTIVE BARGAINING AGREEMENT DURING THE PERIOD BEGINNING
28 JANUARY 1, 2025, AND THE ENDING ON THE EXPIRATION OF THE
29 COLLECTIVE BARGAINING AGREEMENT.

30 CHAPTER 5

1 SMALL BUSINESS GRANT PROGRAM

2 SECTION 501. GRANT PROGRAM.

3 (A) ESTABLISHMENT.--THE SMALL BUSINESS GRANT PROGRAM IS
4 ESTABLISHED IN THE DEPARTMENT FOR EMPLOYERS TO APPLY FOR
5 ASSISTANCE WITH THE IMPLEMENTATION OF THIS ACT.

6 (B) APPROPRIATION.--SUBJECT TO THE APPROVAL OF THE GENERAL
7 ASSEMBLY, A SUM OF UP TO \$20,000,000 IS APPROPRIATED TO THE
8 DEPARTMENT FOR THE SMALL BUSINESS GRANT PROGRAM.

9 (C) GUIDELINES.--

10 (1) THE DEPARTMENT SHALL DEVELOP GUIDELINES REGARDING
11 THE SMALL BUSINESS GRANT PROGRAM, INCLUDING:

12 (I) THE MANNER IN WHICH EMPLOYERS MAY APPLY FOR
13 GRANTS.

14 (II) DEADLINES FOR APPLYING FOR GRANTS.

15 (III) THE REVIEW AND APPROVAL PROCESS FOR GRANT
16 APPLICATIONS.

17 (2) THE DEPARTMENT SHALL CONSIDER IMPLEMENTING A
18 BUSINESS INCOME LIMIT CAP FOR EMPLOYERS APPLYING FOR GRANTS.

19 (3) UPON THE DEVELOPMENT OF THE GUIDELINES UNDER THIS
20 SECTION, THE DEPARTMENT SHALL TRANSMIT NOTICE OF THE
21 DEVELOPMENT OF THE GUIDELINES TO THE LEGISLATIVE REFERENCE
22 BUREAU FOR PUBLICATION IN THE NEXT AVAILABLE ISSUE OF THE
23 PENNSYLVANIA BULLETIN.

24 CHAPTER 7

25 MISCELLANEOUS PROVISIONS

26 SECTION 701. EFFECTIVE DATE.

27 THIS ACT SHALL TAKE EFFECT IN ONE YEAR.