
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 788 Session of
2021

INTRODUCED BY BRIGGS, SANCHEZ, ISAACSON, A. DAVIS, HANBIDGE,
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MARCH 8, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 8, 2021

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.

16 "Employer." A person engaged in commerce or an industry or
17 activity affecting commerce that employs at least four employees

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

4 (1) A person who acts, directly or indirectly, in the
5 interest of an employer to any of the employees of the
6 employer and any successor in interest of the 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 according to the eligibility requirements under the
15 FMLA.

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

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

23 (1) The amount of leave taken by an eligible employee
24 under this section during a 12-month period shall be counted
25 against the amount of leave the eligible employee is entitled
26 to under the FMLA.

27 (2) An eligible employee entitled to paid leave under
28 this act shall be paid, during the period of leave, the full
29 rate of pay the eligible employee received before the period
30 of leave commences or, if the rate of pay is based on an

1 hourly rate, the weekly average applicable during the four
2 weeks before the period of leave commences.

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

8 Section 4. Regulation.

9 The department may promulgate regulations necessary to
10 implement the provisions of this act.

11 Section 5. Effective date.

12 This act shall take effect in 60 days.