
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1673 Session of
2014

INTRODUCED BY D. MILLER, BROWNLEE, YOUNGBLOOD, CALTAGIRONE,
KOTIK, KIM, BRIGGS, SIMS, FRANKEL, KIRKLAND, MOLCHANY, DEASY,
SCHREIBER, GAINY, PAINTER, BISHOP, ROZZI, DAVIDSON, THOMAS,
V. BROWN AND O'BRIEN, JANUARY 30, 2014

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 30, 2014

AN ACT

1 Providing Statewide uniformity regarding vacation and other
2 forms of leave mandated by political subdivisions, for
3 parental involvement leave and for civil remedies.

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 Leave Policy
8 and Parental Involvement 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 "Bureau." The Bureau of Labor Law Compliance of the
14 Department of Labor and Industry of the Commonwealth.

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

17 "Early intervention services." As identified under 55 Pa.

1 Code Ch. 4226 (relating to early intervention services).

2 "Eligible employee." An individual engaged in service to an
3 employer who is a parent, guardian or foster parent having
4 custody of one or more children who are:

5 (1) identified in need of early intervention services;

6 or

7 (2) enrolled in an elementary or secondary school in
8 this Commonwealth.

9 "Employee." As defined in section 3 of the act of January
10 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

11 "Employer." As defined in section 3 of the act of January
12 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

13 "Parental involvement leave." An employer-approved absence
14 from work unrelated to any other absence, such as vacation or
15 sick leave, for the purpose of an eligible employee attending a
16 qualified school-related activity or qualified services-related
17 activity for the eligible employee's child that cannot be
18 scheduled during nonworking hours.

19 "Political subdivision." Any county, city, borough,
20 incorporated town, township, school district, vocational school
21 district and county institution district.

22 "Qualified services-related activity." A meeting between an
23 eligible employee and the county mental health/intellectual
24 disability program, Office of Intellectual Disability, school
25 district or county contracted agency for the purposes of
26 establishing, modifying or challenging an individualized family
27 service plan under 55 Pa. Code Ch. 4226 (relating to early
28 intervention services); and an individualized education program
29 under 22 Pa. Code Ch. 14 (relating to special education services
30 and programs); or a service agreement under 22 Pa. Code Ch. 15

1 (relating to protected handicapped students). The term does not
2 include any meeting with other parties regarding the legality of
3 establishing, modifying or challenging an individualized family
4 service plan, individualized education program or service
5 agreement or any medical treatment-related activity.

6 "Qualified school-related activity." A school-related
7 activity or event concerning the academic advancement of an
8 eligible employee's child in which parental involvement is
9 permitted, including, but not limited to, the following:

- 10 (1) Parent-teacher conference.
- 11 (2) Back-to-school event.
- 12 (3) Curriculum event.
- 13 (4) Orientation.
- 14 (5) Open house.
- 15 (6) Other meeting to discuss academic progress.

16 The term does not include an extracurricular activity,
17 including, but not limited to, a sporting event, musical or
18 dramatic performance or field trip.

19 "School." A school operated by a school district,
20 intermediate unit, charter school, cyber charter school, area
21 vocational-technical school, nonpublic school, private school,
22 day care or preschool in this Commonwealth.

23 "School age." As determined under section 1301 of the act of
24 March 10, 1949 (P.L.30, No.14), known as the Public School Code
25 of 1949.

26 "School year." The 12 months ending June 30 of each year.
27 Section 3. Mandate prohibition.

28 A political subdivision in this Commonwealth may not enact or
29 administer a mandate requiring an employer to provide an
30 employee or class of employees with vacation or other forms of

1 leave from employment, paid or unpaid, that is not required by
2 Federal or State law, and may not require an employer to
3 compensate an employee for any vacation or other forms of leave
4 for which Federal or State law does not require the employee to
5 be compensated.

6 Section 4. Parental involvement leave.

7 (a) Relating to academic progress.--Notwithstanding any
8 other provision of this act, an employer shall grant an eligible
9 employee paid leave of eight hours during a school year to
10 attend qualified school-related activities concerning the
11 eligible employee's child.

12 (b) Relating to additional services.--An employer shall
13 grant an eligible employee paid leave of 12 hours during any
14 school year to attend qualified services-related activities
15 concerning an eligible employee's child.

16 (c) Proof of activity.--If requested by an employer, an
17 eligible employee shall provide documentation to the employer of
18 the specific date and time of the qualified school-related
19 activity or the qualified services-related activity. If
20 requested by an employer, an eligible employee shall provide
21 additional written documentation verifying parental
22 participation in a qualified school-related activity or
23 qualified services-related activity in an appropriate form
24 generated by the department.

25 (d) Privacy.--Nothing in this section requires an employee
26 to disclose whether the employee has custody of a child with,
27 nor the nature of why the child qualifies for, an individualized
28 family service plan, individualized education program or service
29 agreement if the employee does not seek parental involvement
30 leave. An employer may not inquire about a prospective

1 employee's eligibility for parental involvement leave.

2 (e) No limitation on paid or unpaid hours.--Nothing in this
3 section may be construed to preclude an employer from granting
4 more than eight hours of parental involvement leave at the
5 employer's discretion, whether paid or unpaid.

6 Section 5. Prohibited actions.

7 (a) Interfering with employee rights.--No employer may
8 interfere with, restrain or deny the use of or the attempt to
9 use parental involvement leave.

10 (b) Disciplining an employee.--No employer may discharge,
11 retaliate, discipline, discriminate, intimidate or make threats
12 against an eligible employee for any of the following:

13 (1) Filing a charge or instituting a proceeding under or
14 related to this act.

15 (2) Giving information in connection with any inquiry or
16 proceeding relating to this act.

17 (3) Testifying in any inquiry or proceeding relating to
18 any right provided under this act.

19 Section 6. Enforcement.

20 The department shall enforce the provisions of this act.

21 Section 7. Civil remedies.

22 (a) Complaint.--Any employee aggrieved by a violation of
23 this act may file a complaint with the bureau alleging violation
24 of the provisions of this act.

25 (b) Hearing.--Upon receipt of any complaint from an
26 employee, the bureau shall hold a hearing. After the hearing,
27 the bureau shall send each party a written copy of the bureau's
28 decision.

29 (c) Remedy.--The bureau may award the following to an
30 employee:

1 (1) rehiring or reinstatement to the employee's previous
2 job;

3 (2) payment of back wages; and

4 (3) reestablishment of employee benefits to which the
5 employee otherwise would have been eligible if a violation of
6 this act had not occurred.

7 (d) Civil penalty.--The bureau may assess a civil penalty of
8 \$500 for initial violation of sections 4 and 5 which may be
9 increased upon subsequent violations.

10 (e) Appeal.--Any party aggrieved by the decision of the
11 bureau may appeal the decision to Commonwealth Court in
12 accordance with the provisions of 2 Pa.C.S. (relating to
13 administrative law and procedure).

14 (f) Other rights.--The rights and remedies specified in this
15 section are cumulative and nonexclusive and are in addition to
16 any other rights or remedies afforded by contract or under other
17 provisions of law.

18 Section 8. Applicability.

19 This act does not apply to any mandate enacted by a political
20 subdivision of this Commonwealth affecting vacation or other
21 forms of leave for an employee or class of employees of the
22 political subdivision.

23 Section 9. Inconsistent mandate.

24 Nothing in this act shall be construed to invalidate a
25 mandate that is enacted by a political subdivision prior to
26 January 1, 2014. Any mandate enacted by a political subdivision
27 that is inconsistent with this act and enacted after January 1,
28 2014, is void.

29 Section 10. Effective date.

30 This act shall take effect as follows:

1 (1) Sections 4, 5, 6 and 7 shall take effect in 60 days.

2 (2) The remainder of this act shall take effect

3 immediately.