
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2477 Session of
2024

INTRODUCED BY O'MARA, PROBST, HILL-EVANS, DONAHUE, KHAN,
SCHLOSSBERG, SANCHEZ, MAYES, CIRESI, DELLOSO, D. WILLIAMS,
FLEMING, CURRY AND CERRATO, JULY 2, 2024

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JULY 2, 2024

AN ACT

1 Providing for employment leave for victims and victims' families
2 because of violence; prohibiting certain acts by employers;
3 prescribing penalties; and providing for a cause of action.

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 Victims of
8 Violence Safe Employment 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 "Abuse of a vulnerable adult." The term includes:

14 (1) Force or threat of force of inappropriate use of
15 medications or physical or chemical restraints.

16 (2) Misuse of power or authority granted to a person
17 through a power of attorney or by a court in a guardianship
18 or conservatorship proceeding that results in unreasonable

1 confinement or restriction of liberty.

2 (3) An act of violence against, or the taking,
3 transferring, concealing, harming or disposing of, an
4 emotional support or service animal owned, possessed or held
5 by a vulnerable adult.

6 (4) The failure of a caregiver to provide goods, care or
7 services essential to avoid a clear and serious threat to the
8 physical or mental health of a vulnerable adult.

9 (5) An act or course of conduct by a caregiver against a
10 vulnerable adult or a vulnerable adult's resources, without
11 the informed consent of the vulnerable adult or with consent
12 obtained through misrepresentation, coercion or threats of
13 force, that results in monetary, personal or other benefit,
14 gain or profit for the perpetrator or monetary or personal
15 loss to the vulnerable adult.

16 (6) The desertion of a vulnerable adult by a caregiver.

17 (7) Knowingly restricting the movement or independence
18 of a vulnerable adult without the vulnerable adult's consent
19 by removing means of transportation, communication or access
20 to other activities of daily living, including removing
21 access to assistive technology, communication devices or
22 mobility aids.

23 "Attesting third party." A disability service organization
24 manager or coordinator, caregiver agency coordinator or manager,
25 a law enforcement official, licensed health care professional,
26 licensed social worker, victim advocate or victim service
27 provider.

28 "Department." The Department of Labor and Industry of the
29 Commonwealth.

30 "Domestic violence." The occurrence of any of the following

1 acts between family or household members as defined under 23
2 Pa.C.S. § 6102(a) (relating to definitions):

3 (1) Intentionally, knowingly or recklessly causing, or
4 attempting to cause, bodily injury, serious bodily injury or
5 sexual violence.

6 (2) Placing another individual in reasonable fear of
7 imminent serious bodily harm.

8 (3) An act of domestic and other violence as defined
9 under 55 Pa. Code § 3042.3 (relating to definitions).

10 (4) The infliction of false imprisonment under 18
11 Pa.C.S. § 2903 (relating to false imprisonment).

12 "Employee." An individual who is employed by an employer in
13 this Commonwealth.

14 "Employer." As defined in section 103 of the Workers'
15 Compensation Act.

16 "Family member." Includes any of the following:

17 (1) A biological child, adopted or foster child,
18 stepchild or legal ward, a child of a domestic partner or a
19 child to whom an employee stands in loco parentis, regardless
20 of age.

21 (2) A biological parent, foster parent, stepparent or
22 adoptive parent or legal guardian of an employee or an
23 employee's spouse or domestic partner or an individual who
24 stood in loco parentis when the employee or the employee's
25 spouse or domestic partner was a minor child.

26 (3) An individual to whom the employee is legally
27 married under the laws of any state or a domestic partner of
28 an employee as registered under the laws of any state or
29 political subdivision.

30 (4) A grandparent, grandchild or sibling, whether of a

1 biological, foster, adoptive or step relationship, of the
2 employee or the employee's spouse or domestic partner.

3 (5) An individual who has an intimate or romantic
4 relationship with an employee.

5 (6) An individual who habitually resides in a dwelling
6 unit with an employee or has previously habitually resided in
7 a dwelling unit with an employee for a period of not less
8 than two years.

9 (7) An individual who has established an emotionally
10 significant relationship with an employee, and for whom the
11 employee is responsible for providing or arranging health or
12 safety-related care, including helping the person obtain
13 diagnostic, preventive, routine or therapeutic health
14 treatment or ensuring the individual is safe after becoming a
15 victim of a qualifying act.

16 (8) An individual whose close association with an
17 employee is the equivalent of a family relationship.

18 "Nontraditional medicine." The term includes massage
19 therapy, acupuncture or cultural or traditional-based healing.

20 "Qualifying act." An act, conduct or pattern of conduct that
21 could constitute any of the following, regardless of whether
22 anyone is arrested or charged with committing a crime:

23 (1) Domestic violence.

24 (2) Sexual violence.

25 (3) Stalking.

26 (4) Abuse of a vulnerable adult.

27 (5) An act or conduct in which a person uses force to
28 cause or attempt to cause physical or mental injury to
29 another. This does not include conduct arising out of the
30 ownership, maintenance or use of a motor vehicle, except when

1 the person engaging in the conduct intended to cause or
2 intended to threaten to cause physical or mental injury or
3 when the person engaging in the conduct was under the
4 influence of alcohol or a controlled substance.

5 (6) An act or conduct in which a person makes a
6 reasonably perceived or actual threat of physical or mental
7 injury or death to another. This does not include conduct
8 arising out of the ownership, maintenance or use of a motor
9 vehicle, except when the person engaging in the conduct
10 intended to cause or intended to threaten to cause physical
11 or mental injury or when the person engaging in the conduct
12 was under the influence of alcohol or a controlled substance.

13 "Retaliatory personnel action." One of the following:

14 (1) Any threat, discipline, discharge, suspension,
15 demotion, reduction of hours or any other adverse action
16 taken against an employee for exercising the rights and
17 protections afforded by this act.

18 (2) Interference with or punishment for participating in
19 or acting on a complaint or appeal under this act.

20 "Secretary." The Secretary of Labor and Industry of the
21 Commonwealth.

22 "Sexual violence." As defined in 42 Pa.C.S. § 62A03
23 (relating to definitions).

24 "Stalking." Conduct in which an individual either:

25 (1) engages in a course of conduct or repeatedly commits
26 acts toward another individual, including following the other
27 individual without proper authority:

28 (i) under circumstances which demonstrate either an
29 intent to place the other individual in reasonable fear
30 of bodily injury or to cause substantial emotional

1 distress to the other individual; or

2 (ii) which as a result intentionally, knowingly or
3 recklessly places the other individual in reasonable fear
4 of bodily injury or causes substantial emotional distress
5 to the other individual; or

6 (2) engages in a course of conduct or repeatedly
7 communicates to another individual:

8 (i) under circumstances which demonstrate or
9 communicate either an intent to place the other
10 individual in reasonable fear of bodily injury or to
11 cause substantial emotional distress to the other
12 individual; or

13 (ii) which as a result intentionally, knowingly or
14 recklessly places the other individual in reasonable fear
15 of bodily injury or causes substantial emotional distress
16 to the other individual.

17 "Treatment." Includes:

18 (1) Medical, dental, psychological, mental health,
19 chiropractic or physical rehabilitation services.

20 (2) Remedial treatment or care.

21 (3) Nontraditional medicine.

22 (4) Other services rendered in accordance with a
23 religious or culturally-specific method of healing.

24 "Victim." Any of the following:

25 (1) An individual against whom a qualifying act was
26 committed.

27 (2) An individual who was physically present at the
28 scene of a qualifying act and witnessed the qualifying act,
29 but who did not commit the qualifying act, and who as a
30 direct result:

1 (i) suffers physical or mental injury; or
2 (ii) reasonably believes that the individual is
3 under the threat of physical harm.

4 (3) An individual who died by suicide.

5 "Victim advocate." An individual, whether paid or serving as
6 a volunteer, who provides services to victims or the victims'
7 family members under the auspices or supervision of a victim
8 service provider or a court or a law enforcement or prosecution
9 agency.

10 "Victim service provider." An agency or organization that
11 provides services to victims or victims' family members. The
12 term includes a rape crisis center as defined under 42 Pa.C.S. §
13 5945.1(a) (relating to confidential communications with sexual
14 assault counselors), domestic violence program as defined under
15 23 Pa.C.S. § 6102(a) (relating to definitions) or an agency or
16 organization with a documented history of providing services to
17 victims.

18 "Workers' Compensation Act." The act of June 2, 1915
19 (P.L.736, No.338), known as the Workers' Compensation Act.
20 Section 3. Employment leave for victims and family members of
21 victims.

22 (a) Leave requirement.--

23 (1) An employee who is a victim of a qualifying act or
24 has a family member who is a victim of a qualifying act may
25 request and an employer shall permit the employee to take
26 leave from work if the employee needs, or needs to assist a
27 family member, to do any of the following:

28 (i) Seek or obtain medical attention, rehabilitative
29 services, accessibility equipment or other treatment
30 related to a physical or mental injury or disability

1 caused or aggravated by the qualifying act.

2 (ii) Recover from a physical or mental injury or
3 disability caused or aggravated by the qualifying act.

4 (iii) Seek or obtain services from a victim service
5 provider in relation to the qualifying act.

6 (iv) Seek or obtain mental health treatment or other
7 counseling in relation to the qualifying act.

8 (v) Relocate or engage in the process of securing a
9 new residence due to the qualifying act, including
10 securing temporary or permanent housing or enrolling
11 children in a new school.

12 (vi) Seek or obtain financial services or meet with
13 a financial professional to address financial issues
14 resulting from the qualifying act.

15 (vii) Seek, obtain or provide child care or care to
16 a care-dependent adult necessary as a result of the
17 qualifying act.

18 (viii) Seek or obtain legal services related to or
19 resulting from the qualifying act.

20 (ix) Prepare for, participate in or attend any
21 civil, administrative or criminal legal proceeding
22 relating to or resulting from the qualifying act.

23 (x) Make modifications to a home or vehicle
24 necessary to create usability of and accessibility to the
25 home or vehicle due to an injury sustained in a
26 qualifying act.

27 (xi) Seek or obtain new caregiver services.

28 (xii) Take any other actions necessary to protect or
29 restore the physical, mental, emotional or economic well-
30 being as a result of the qualifying act.

1 (xiii) Attend or make arrangements for the memorial
2 service, funeral or alternative to a funeral of a victim
3 who died as a result of a qualifying act, or grieve the
4 death of a victim who died as a result of a qualifying
5 act.

6 (2) An employee shall be entitled to use 20 workweeks of
7 leave in aggregate during any 12-month period for any purpose
8 listed under paragraph (1)(i) or (ii). An employee shall be
9 entitled to use 12 workweeks of leave combined during any 12-
10 month period for other purposes listed under paragraph (1).
11 This act may not create a right for an employee to take leave
12 under this act that exceeds a combined total of 20 weeks in
13 any 12-month period regardless of reason.

14 (3) Notwithstanding paragraph (2), an employee shall be
15 entitled to use 2 workweeks or 10 work days of leave for the
16 purposes listed under paragraph (1)(xiii) for each death of a
17 family member from a qualifying act in any 12-month period.
18 Leave taken for the purposes described in paragraph (1)(xiii)
19 shall be deducted from, and is not in addition to, the total
20 leave time an employee shall be entitled to under this
21 section, and shall not otherwise limit or diminish the total
22 leave time an employee is entitled to under this section.

23 (4) An employee shall be entitled to utilize the leave
24 authorized under this section, at the option of the employee,
25 on a consecutive, intermittent or reduced leave schedule in
26 which all of the leave authorized under this section is not
27 taken consecutively.

28 (5) An employee taking leave for a purpose listed under
29 paragraph (1) shall make a reasonable effort to schedule
30 matters so as not to unduly disrupt the operations of the

1 employer.

2 (b) Notice.--

3 (1) An employee shall provide the employer with
4 reasonable advance notice of the employee's intention to take
5 leave under subsection (a). When an unscheduled absence
6 occurs, the employer may not take any action against the
7 employee if the employee, upon request of the employer and
8 within a reasonable period after the absence, informs the
9 employer that the employee's leave was for a purpose
10 described by subsection (a)(1), or if the absence was for a
11 period of more than three days, provides the employer with a
12 form of documentation described by subsection (c).

13 (2) For an absence of more than three days, the employer
14 may require that the employee, within a reasonable period
15 after the absence, provide certification under subsection
16 (c). If an employer requires certification under subsection
17 (c), the employer shall submit the request for certification
18 to the employee in writing and give the employee a reasonable
19 amount of time to provide the certification.

20 (3) Nothing in this act shall be construed to require an
21 employee to take leave under this section, if the employee
22 has not requested leave as a result of a qualifying act. An
23 employer may not require an employee who has not requested
24 leave under this section to take leave under this section.

25 (c) Certification.--

26 (1) An employer may require an employee to provide
27 certification to the employer that the employee or the
28 employee's family member is a victim, if the employee is
29 absent for more than three days for a purpose described under
30 subsection (a)(1).

1 (2) If the employer requests in writing that the
2 employee provide certification, the employee shall provide
3 the certification to the employer within a reasonable period
4 after the employer requests certification.

5 (3) An employee may satisfy the certification
6 requirement under paragraph (1) by providing to the employer
7 any one of the following:

8 (i) a copy of a valid court order that restrains the
9 person alleged to have committed the qualifying act from
10 contact with the employee or family member of the
11 employee;

12 (ii) medical or mental health records indicating
13 that the employee or family member is a victim;

14 (iii) a police report documenting the act of which
15 the employee or family member is a victim;

16 (iv) evidence that the person alleged to have
17 committed the qualifying act has been charged with or
18 convicted of an act of which the employee or employee's
19 family member is a victim;

20 (v) a written certification signed by an attesting
21 third party that affirms that the employee or employee's
22 family member is a victim;

23 (vi) if the employee's family member is a victim who
24 is deceased as a result of the qualifying act:

25 (A) a written verification of death, burial or
26 memorial services from a mortuary, medical examiner,
27 coroner, funeral home, burial society, crematorium,
28 religious institution or other government agency;

29 (B) a published obituary; or

30 (C) a death certificate; or

1 (vii) any other form of documentation that
2 reasonably verifies that the employee or employee's
3 family member is a victim, including a written statement
4 signed by the employee, or signed by an individual
5 authorized to act on the employee's behalf.

6 (4) Furnishing evidence or providing a certification
7 under this subsection shall not waive any confidentiality or
8 privilege that may exist between the employee or victim and a
9 third party.

10 (5) An employer shall not require that an employee
11 provide a certification that explains the details of the
12 qualifying act. An employer shall not require disclosure of
13 details relating to a qualifying act or the details of an
14 employee's or employee's family member's medical condition as
15 a condition of providing leave under this act.

16 (d) Confidentiality.--All information provided to the
17 employer under subsection (b) or (c), including the fact that
18 the employee has requested or obtained leave under this section,
19 shall be retained in the strictest confidence by the employer,
20 except to the extent that disclosure is:

21 (1) requested or consented to in writing by the
22 employee; or

23 (2) otherwise required by applicable Federal or State
24 law in which case the employer shall provide the employee
25 notice prior to any authorized disclosure.

26 (e) Employment and benefits protection.--

27 (1) No employer may take retaliatory personnel action or
28 discriminate against an employee because:

29 (i) the employee has requested leave under
30 subsection (a);

1 (ii) the employee has taken leave under subsection
2 (a); or

3 (iii) the employee has made a complaint or filed an
4 action to enforce the employee's right to leave under
5 subsection (a).

6 (2) An employee who takes leave under subsection (a)
7 shall, on return from the leave, be entitled to:

8 (i) restoration to the position held by the employee
9 when leave commenced; or

10 (ii) restoration to an equivalent position with
11 equivalent employment benefits, pay and other terms and
12 conditions of employment.

13 (3) The taking of leave under subsection (a) shall not
14 result in the loss of any employment benefit accrued prior to
15 the date on which the leave commenced.

16 (4) Nothing in this subsection shall be construed to
17 entitle a restored employee to:

18 (i) the accrual of any seniority or employment
19 benefit during a period of leave; or

20 (ii) a right, benefit or position other than a
21 right, benefit or position to which the restored employee
22 would have been entitled had the restored employee not
23 taken the leave.

24 (f) Health insurance coverage.--During a period that an
25 employee takes leave under subsection (a), the employer shall
26 maintain coverage under a group health plan for the duration of
27 the leave at the same level and under the same conditions that
28 would have been provided if the employee's employment had not
29 been interrupted by the leave.

30 Section 4. Coordination of leave.

1 (a) Leave concurrent with Federal law.--Leave taken under
2 this act that also qualifies as leave under 29 U.S.C. Ch. 28
3 (relating to family and medical leave) shall run concurrently
4 with leave taken under 29 U.S.C. Ch. 28.

5 (b) Other paid or unpaid leave.--An employee who is entitled
6 to take paid or unpaid leave, including family, medical, sick,
7 annual, personal or similar leave, from employment, under
8 Federal, State or local law, a collective bargaining agreement
9 or an employment benefits program, policy or plan, may elect to
10 substitute a period of that leave for an equivalent period of
11 leave provided under section 3, provided that it does not
12 conflict with Federal law. Employers shall provide employees
13 with written notice of the opportunity to make the election, and
14 inform employees how leave will be coordinated absent any
15 election.

16 Section 5. Reasonable accommodations.

17 (a) General rule.--An employer shall provide a reasonable
18 accommodation in accordance with this section to an employee who
19 is a victim or who has a family member who is a victim, if the
20 employee requests the reasonable accommodation for the safety,
21 physical or psychological well-being of the employee, related to
22 a qualifying act of which the employee or family member of the
23 employee is a victim.

24 (b) Types of accommodation.--A reasonable accommodation, for
25 the purposes of this section, may include any of the following:

26 (1) Implementation of safety measures or procedures at
27 the employee's workplace.

28 (2) A transfer, reassignment, leave or modified work
29 schedule for the employee.

30 (3) A change of work telephone number, email address or

1 work station for the employee.

2 (4) Removal of the employee's name or contact
3 information from public-facing websites and communications.

4 (5) Installation of new locks or security devices, or a
5 change in locks or security devices, at the employee's
6 workplace.

7 (6) Assistance in documenting a qualifying act that
8 occurs at the employee's workplace.

9 (7) Referral to a victim services provider.

10 (8) Any other reasonable accommodation in response to
11 the qualifying act or threat of future harm related to the
12 qualifying act.

13 (c) Process.--The employer and the employee shall engage in
14 a timely, good faith and interactive process to determine any
15 reasonable accommodations required under this section. In
16 determining the reasonable accommodation, the employer shall
17 consider any exigent circumstance or danger facing the employee
18 related to the qualifying act.

19 (d) Limitation.--An employer may not provide a reasonable
20 accommodation under this section if the employee has not
21 disclosed the employee's or employee's family member's status as
22 a victim to the employer. An employer may require an employee
23 who requests an accommodation under this section to provide the
24 following:

25 (1) A written statement from the employee, or a person
26 acting on the employee's behalf, stating that the employee or
27 employee's family member is a victim and that the requested
28 accommodation is necessary as a result of the applicable
29 qualifying act.

30 (2) A certification to demonstrate that the employee or

1 employee's family member is a victim. The employer shall
2 accept any form of certification listed in section 3(c)(3) as
3 certification. The employee shall choose which document
4 listed in section 3(c)(3) to submit, and the employer may not
5 request or require more than one form of certification under
6 section 3(c)(3) to be submitted during the same 12-month
7 period that a reasonable accommodation is requested or
8 granted if the reason for an accommodation request is related
9 to the same qualifying act or related to a separate
10 qualifying act committed by the same person who committed the
11 original qualifying act. If an employer requires
12 certification under this subsection, the employer may require
13 the employee to provide a written statement from the employee
14 recertifying that the requested accommodation is still
15 necessary for the safety, physical or psychological well-
16 being of the employee as a result of the applicable
17 qualifying act every six months.

18 (e) Exception for undue hardship.--This section may not
19 require an employer to take any action or provide any
20 accommodation that would place an undue hardship on the
21 employer's business operations.

22 Section 6. Prohibited act by employer.

23 (a) General rule.--An employer, or a person acting on behalf
24 of an employer, may not interfere with, restrain or deny the
25 exercise of or the attempted exercise of a right provided by
26 this act.

27 (b) Discrimination.--An employer may not discharge, demote,
28 suspend, take or threaten to take disciplinary or retaliatory
29 personnel action or in any other manner discriminate against an
30 employee for any of the following:

1 (1) Taking or requesting leave in accordance with this
2 act, regardless of whether the leave was granted.

3 (2) Receiving or requesting a reasonable accommodation
4 under this act, regardless of whether the accommodation was
5 granted.

6 (3) Making a complaint or filing an action to enforce
7 the employee's right to leave under this act or right to a
8 reasonable accommodation in accordance with this act.

9 (c) Absence may not result in retaliatory action.--An
10 employer's absence control policy may not treat leave time taken
11 in accordance with this act as an absence that may lead to or
12 result in retaliatory personnel action.

13 (d) Allegations in good faith.--The protections under this
14 section apply to any person who mistakenly but in good faith
15 alleges a violation of this section.

16 (e) Rebuttable presumption.--There is a rebuttable
17 presumption of a violation of this section if an employer takes
18 retaliatory personnel action against a person within 90 days
19 after that person does any of the following:

20 (1) Files a complaint with the department or a court
21 alleging a violation of this act.

22 (2) Informs any person about an employer's alleged
23 violation of this act.

24 (3) Cooperates with the department or another person in
25 the investigation of any alleged violation of this act.

26 (4) Opposes any policy, practice or act that is
27 prohibited under this act.

28 (5) Informs an individual of the individual's rights
29 under this act.

30 Section 7. Employer's duty to publish information.

1 (a) Poster.--Beginning 270 days after the effective date of
2 this subsection, an employer shall display and maintain a poster
3 at the employer's place of business, in a conspicuous place that
4 is accessible to employees, that contains all of the following
5 information in plain language and in English and Spanish, with
6 consideration to the inclusion of other significant languages
7 spoken in the workplace:

8 (1) That an employee who is a victim, or who has a
9 family member who is a victim, may be eligible for leave or
10 reasonable accommodations under this act.

11 (2) That an employee is eligible regardless of whether a
12 crime has been reported and regardless of whether anyone has
13 been arrested or charged with committing a crime relating to
14 the applicable qualifying act.

15 (3) The terms under which an employee may use leave
16 under this act, as described under section 3.

17 (4) The employee's right to take civil action for any
18 violation of this act.

19 (b) Written notice distribution.--Upon initial hiring of an
20 employee, and annually thereafter, an employer shall provide
21 written notice of the requirements of this act containing the
22 information described under subsection (a) and using the notices
23 prepared and posted by the department under subsection (c).

24 (c) Written notice.--Within 180 days of the effective date
25 of this subsection, the department shall develop and prepare a
26 written notice that employers shall distribute and provide to
27 employees in accordance with subsection (b). The notice shall be
28 posted on the department's publicly accessible Internet website.
29 The department shall create and make available on the
30 department's publicly accessible Internet website posters that

1 contain the information required under subsection (a) for
2 employers to print at no cost.

3 Section 8. Enforcement.

4 (a) General rule.--The department may order an employer who
5 is found to be in violation of this act to do all of the
6 following:

7 (1) Pay an administrative fine of not more than \$3,000
8 for each violation.

9 (2) Pay an employee damages equal to any wages, salary,
10 employment benefits or other compensation denied or lost to
11 the employee by reason of a violation of this act.

12 (3) Pay an employee damages sustained by the employee as
13 a direct result of the violation of this act.

14 (4) Reinstate or promote an employee as may be required
15 by this act, with or without back pay.

16 (b) Fine.--An employer that willfully violates the posting
17 requirement of section 7 shall be subject to an administrative
18 fine of not more than \$200 for each separate violation.

19 Section 9. Civil action.

20 (a) General rule.--An aggrieved employee or the secretary
21 may file legal action against the employer in a court of
22 competent jurisdiction in this Commonwealth to recover damages
23 or equitable relief on behalf of the aggrieved under this act.

24 (b) Relief.--

25 (1) An employer that violates this act shall be liable
26 for:

27 (i) Damages equal to any wages, salary, employment
28 benefits or other compensation denied or lost to an
29 employee by reason of a violation of this act.

30 (ii) Damages sustained by an employee as a direct

1 result of the violation of this act.

2 (iii) Equitable relief as may be appropriate,
3 including reinstatement and promotion of an employee.

4 (2) The court in an action under this subsection may, in
5 addition to any other award, order the employer to reimburse
6 the employee for reasonable attorney and expert fees and
7 other costs incurred by the employee in bringing an action
8 under this act.

9 Section 10. Construction.

10 (a) General rule.--Nothing in this act shall be construed to
11 supersede any provision of Federal, State or local law,
12 collective bargaining agreement or employment benefits program,
13 policy or plan that provides:

14 (1) greater or more generous leave benefits or
15 protections for employees than that provided under this act;
16 or

17 (2) leave benefits or protections for a larger
18 population of employees than employees under this act.

19 (b) Prohibition on subsequent collective bargaining
20 agreement or employer policy.--An employee's right to leave or
21 reasonable accommodations under this act may not be diminished
22 by a collective bargaining agreement entered into or renewed, or
23 employer policy adopted or retained, after the effective date of
24 this subsection. An agreement by an employee to waive the
25 employee's rights under this act is void as against public
26 policy.

27 (c) Employer's obligation.--This act does not diminish an
28 employer's obligation to comply with any of the following that
29 provides more generous leave or protections:

30 (1) A collective bargaining agreement.

1 (2) An employer policy.

2 (3) Any other law.

3 (d) Impact on Workers' Compensation Act.--Nothing in this
4 act shall be construed to impact the provisions of the Workers'
5 Compensation Act with regard to work-related injuries.

6 (e) Impact on Public Employe Relations Act.--Nothing in this
7 act shall be construed to supersede or preempt the rights,
8 remedies and procedures afforded to employees or labor
9 organizations under Federal or State law, including the act of
10 July 23, 1970 (P.L.563, No.195), known as the Public Employe
11 Relations Act, or any provision of a collective bargaining
12 agreement negotiated between an employer and an exclusive
13 representative of the employees in accordance with the Public
14 Employe Relations Act.

15 Section 11. Effective date.

16 This act shall take effect in 90 days.