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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 964 Session of  
2025

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INTRODUCED BY O'MARA, SANCHEZ, HOWARD, GIRAL, HILL-EVANS,  
CIRESI, SCHLOSSBERG, HOHENSTEIN, KHAN, HARKINS, BELLMON,  
OTTEN, CERRATO, GREEN, CURRY, WAXMAN, STEELE, HANBIDGE AND  
DOUGHERTY, MARCH 19, 2025

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 19, 2025

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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

1 or conservatorship proceeding that results in unreasonable  
2 confinement or restriction of liberty.

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

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

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

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

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

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

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

1 "Domestic violence." The occurrence of any of the following  
2 acts between family or household members as defined under 23  
3 Pa.C.S. § 6102(a) (relating to definitions):

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

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

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

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

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

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

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

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

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

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

1 (4) A grandparent, grandchild or sibling, whether of a  
2 biological, foster, adoptive or step relationship, of the  
3 employee or the employee's spouse or domestic partner.

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

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

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

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

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

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

24 (1) Domestic violence.

25 (2) Sexual violence.

26 (3) Stalking.

27 (4) Abuse of a vulnerable adult.

28 (5) An act or conduct in which a person uses force to  
29 cause or attempt to cause physical or mental injury to  
30 another. This does not include conduct arising out of the

1 ownership, maintenance or use of a motor vehicle, except when  
2 the person engaging in the conduct intended to cause or  
3 intended to threaten to cause physical or mental injury or  
4 when the person engaging in the conduct was under the  
5 influence of alcohol or a controlled substance.

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

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

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

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

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

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

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

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

29 (i) under circumstances which demonstrate either an  
30 intent to place the other individual in reasonable fear

1 of bodily injury or to cause substantial emotional  
2 distress to the other individual; or

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

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

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

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

18 "Treatment." Includes:

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

21 (2) Remedial treatment or care.

22 (3) Nontraditional medicine.

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

25 "Victim." Any of the following:

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

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

1 direct result:

2 (i) suffers physical or mental injury; or

3 (ii) reasonably believes that the individual is  
4 under the threat of physical harm.

5 (3) An individual who died by suicide.

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

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

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

23 (a) Leave requirement.--

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

29 (i) Seek or obtain medical attention, rehabilitative  
30 services, accessibility equipment or other treatment

1 related to a physical or mental injury or disability  
2 caused or aggravated by the qualifying act.

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

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

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

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

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

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

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

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

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

28 (xi) Seek or obtain new caregiver services.

29 (xii) Take any other actions necessary to protect or  
30 restore the physical, mental, emotional or economic well-



1 being as a result of the qualifying act.

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

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

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

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

29 (5) An employee taking leave for a purpose listed under  
30 paragraph (1) shall make a reasonable effort to schedule

1 matters so as not to unduly disrupt the operations of the  
2 employer.

3 (b) Notice.--

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

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

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

26 (c) Certification.--

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

1 subsection (a) (1).

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

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

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

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

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

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

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

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

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

30 (B) a published obituary; or

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

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

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

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

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

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

27 (e) Employment and benefits protection.--

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

30 (i) the employee has requested leave under

1 subsection (a);

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

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

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

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

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

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

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

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

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

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

1 Section 4. Coordination of leave.

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

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

17 Section 5. Reasonable accommodations.

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

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

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

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

1 (3) A change of work telephone number, email address or  
2 work station for the employee.

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

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

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

10 (7) Referral to a victim services provider.

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

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

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

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

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

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

23 Section 6. Prohibited acts by employer.

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

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



1 employee for any of the following:

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

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

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

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

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

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

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

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

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

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

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

1 Section 7. Employer duties.

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

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

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

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

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

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

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

1 department's publicly accessible Internet website posters that  
2 contain the information required under subsection (a) for  
3 employers to print at no cost.

4 Section 8. Enforcement.

5 (a) Penalty.--The department may order an employer who is  
6 found to be in violation of this act to do all of the 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 pay an administrative fine of not  
18 more than \$200 for each separate violation.

19 Section 9. Civil action.

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

25 (b) Relief.--

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

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

1 (ii) Damages sustained by an employee as a direct  
2 result of the violation of this act.

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

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

10 Section 10. Construction.

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

15 (1) greater or more generous leave benefits or  
16 protections for employees than required under this act; 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.