

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 140 Session of 2019

INTRODUCED BY KILLION, DINNIMAN, BREWSTER, COSTA, FONTANA, HAYWOOD, HUGHES, LEACH, SANTARSIERO, SCHWANK, YUDICHAK, K. WARD, KEARNEY AND TARTAGLIONE, FEBRUARY 19, 2019

SENATOR BARTOLOTTA, LABOR AND INDUSTRY, AS AMENDED, MAY 7, 2019

AN ACT

1 Providing for family and medical leave for eligible employees.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Pennsylvania
6 Family and Medical Leave Act.

7 Section 2. Definitions.

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

11 "Department." The Department of Labor and Industry of the
12 Commonwealth.

13 "Eligible employee." As defined in the Family and Medical
14 Leave Act of 1993 (Public Law 103-3, 29 U.S.C. § 2601 et seq.).

15 "Employer." An employer in this Commonwealth that is subject
16 to the Family and Medical Leave Act of 1993.

17 "Grandchild." A biological or adoptive grandson or

1 granddaughter or stepgrandson or stepgranddaughter.

2 "Grandparent." A biological or adoptive grandfather or
3 grandmother or stepgrandfather or stepgrandmother.

4 "Sibling." A biological or adoptive brother or sister or
5 stepbrother or stepsister.

6 Section 3. Eligibility.

7 (a) General rule.--An employer shall provide up to six weeks
8 of the same unpaid leave to an eligible employee to which the
9 eligible employee is entitled under the Family and Medical Leave
10 Act of 1993 (Public Law 103-3, 29 U.S.C. § 2601 et seq.) to care
11 for a spouse, son, daughter or parent, but only to care for the
12 eligible employee's sibling, grandparent or grandchild, if the
13 sibling, grandparent or grandchild:

14 (1) does not have a living spouse, child over 17 years
15 of age or parent under 65 years of age; and

16 (2) has a certified terminal illness.

17 (b) Protections.--An eligible employee who takes leave
18 provided under subsection (a) is entitled to the same
19 protections and rights that an eligible employee is entitled to
20 under the Family and Medical Leave Act of 1993.

21 (c) Amount of leave.--

22 (1) The amount of leave taken by an eligible employee
23 under this section shall not exceed six weeks during a 12-
24 month period. The 12-month period shall be determined in the
25 same manner that the employer determines the 12-month period
26 for leave under the Family and Medical Leave Act of 1993.

27 (2) Leave must be taken in a minimum of one-week
28 increments.

29 (3) Leave taken by an eligible employee under the Family
30 and Medical Leave Act of 1993 shall reduce an employee's

1 leave entitlement in any applicable 12-month period under
2 this section, provided that leave taken by an employee in
3 accordance with this section shall not reduce the employee's
4 leave entitlement under the Family and Medical Leave Act of
5 1993.

6 (d) Employee notice of leave.--An employee shall provide
7 written or verbal notice of the need to take leave under this
8 section to the employer as soon as practicable.

9 (e) Medical certification.--

10 (1) An employer may require certification from a
11 physician to verify terminal illness of an employee providing
12 notice of the need to take leave under this section.

13 (2) The department shall develop a form that may be used
14 to provide medical certification under this subsection.

15 (f) Employer posting.--An employer shall post and maintain
16 in a conspicuous place a printed abstract, developed by the
17 department, with the provisions of this act.

18 Section 4. Complaints.

19 An employee may file a complaint with the department on a
20 form prescribed by the department if the employee:

21 (1) is denied leave;

22 (2) believes that the employee is entitled to that
23 leave; and

24 (3) believes that the employer has violated section
25 3(b).

26 Section 5. Administration.

27 The department has the following power and duties:

28 (1) Provide the abstract for employer posting on the
29 department's publicly accessible Internet website.

30 (2) Provide the medical certification form referenced in

1 section 3(e) on the department's publicly accessible Internet
2 website.

3 (3) Provide the employee complaint form on the
4 department's publicly accessible Internet website.

5 (4) Develop procedures to investigate and resolve
6 complaints.

7 (5) Promulgate regulations as necessary to administer
8 this act.

9 SECTION 6. FUNDING. <--

10 THE DEPARTMENT SHALL NOT BE REQUIRED TO ENFORCE THIS ACT
11 UNTIL ADEQUATE FUNDING IS APPROPRIATED. THE SECRETARY OF LABOR
12 AND INDUSTRY SHALL DETERMINE IF ADEQUATE FUNDING IS
13 APPROPRIATED. UPON THE APPROPRIATION OF ADEQUATE FUNDING, THE
14 SECRETARY OF LABOR AND INDUSTRY SHALL TRANSMIT NOTICE TO THE
15 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA
16 BULLETIN.

17 Section ~~6~~ 7. Effective date. <--

18 This act shall take effect in 60 days.