

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1228 Session of
2023

INTRODUCED BY SAPPEY, ISAACSON, CIRESI, KINKEAD, HOHENSTEIN,
PIELLI, HILL-EVANS, ROZZI, MADDEN, FREEMAN, SANCHEZ, BRENNAN,
McANDREW, BOROWSKI, T. DAVIS, HANBIDGE, KRAJEWSKI,
SCHLOSSBERG, DELLOSO, STURLA, PARKER, KINSEY, OTTEN, KAZEEM,
GALLOWAY, GREEN, CONKLIN, HOWARD AND FLEMING, MAY 24, 2023

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 24, 2023

AN ACT

1 Providing for family and medical leave for eligible employees;
2 and imposing duties on the Department of Labor and Industry.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

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

8 Section 2. Definitions.

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

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

14 "Eligible employee." As defined in 29 U.S.C. Ch. 28
15 (relating to family and medical leave).

16 "Employer." An employer in this Commonwealth that is subject

1 to 29 U.S.C. Ch. 28.

2 "Grandchild." A biological or adoptive grandson or
3 granddaughter or stepgrandson or stepgranddaughter.

4 "Grandparent." A biological or adoptive grandfather or
5 grandmother or stepgrandfather or stepgrandmother.

6 "Sibling." A biological or adoptive brother or sister or
7 stepbrother or stepsister.

8 Section 3. Eligibility.

9 (a) General rule.--An employer shall provide up to six weeks
10 of the same unpaid leave to an eligible employee to which the
11 eligible employee is entitled under 29 U.S.C. Ch. 28 (relating
12 to family and medical leave) to care for a spouse, son, daughter
13 or parent, but only to care for the eligible employee's sibling,
14 grandparent or grandchild, if the sibling, grandparent or
15 grandchild:

16 (1) Does not have a living spouse, child over 17 years
17 of age or parent under 65 years of age.

18 (2) Has a certified terminal illness.

19 (b) Protections.--An eligible employee who takes leave
20 provided under subsection (a) is entitled to the same
21 protections and rights that an eligible employee is entitled to
22 under 29 U.S.C. Ch. 28.

23 (c) Amount of leave.--

24 (1) The amount of leave taken by an eligible employee
25 under this section shall not exceed six weeks during a 12-
26 month period. The 12-month period shall be determined in the
27 same manner that the employer determines the 12-month period
28 for leave under 29 U.S.C. Ch. 28.

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

1 (3) Leave taken by an eligible employee shall reduce an
2 employee's leave entitlement in any applicable 12-month
3 period under this section, provided that leave taken by an
4 employee in accordance with this section shall not reduce the
5 employee's leave entitlement under 29 U.S.C. Ch. 28.

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.

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. Effective date.

10 This act shall take effect in 60 days.