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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1200 Session of  
2021

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MAY 10, 2021

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 10, 2021

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AN ACT

1 Establishing the Pennsylvania Family and Medical Leave Insurance  
2 Program and the Family and Medical Leave Insurance Fund;  
3 conferring powers and imposing duties on the Department of  
4 Labor and Industry; and imposing penalties.

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19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 CHAPTER 1

22 PRELIMINARY PROVISIONS

23 Section 101. Short title.

24 This act shall be known and may be cited as the Pennsylvania  
25 Family and Medical Leave Insurance Act.

26 Section 102. Legislative intent.

27 The General Assembly finds and declares as follows:

28 (1) Paid family and medical leave insurance promotes the  
29 physical and emotional health of children and their families.

30 (2) Paid family and medical leave insurance has a

1 positive impact on economic stability and ensures competitive  
2 viability for all businesses, but particularly smaller  
3 businesses.

4 (3) The establishment of a paid family and medical leave  
5 insurance program is essential to public health, safety and  
6 welfare.

7 Section 103. 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 "Application year." The 12-month period beginning on the  
12 first day of the calendar week in which an individual files a  
13 claim for family and medical leave insurance benefits.

14 "Benefits." The monetary allowances payable to a covered  
15 individual as family and medical leave insurance during an  
16 approved family and medical leave under the program in  
17 accordance with this act.

18 "Board." The Pennsylvania Family and Medical Leave Insurance  
19 Act Advisory Board established pursuant to section 509.

20 "Claim." The filing of a written application with the  
21 department for the receipt of benefits.

22 "Covered individual." An employee, or a self-employed person  
23 who elects coverage pursuant to section 503, who meets the  
24 following requirements, as applicable:

25 (1) Is currently employed in this Commonwealth or is  
26 previously employed in this Commonwealth within 120 days of  
27 separation from employment.

28 (2) Meets the employment and income eligibility  
29 requirements set forth in section 303.

30 (3) Meets the requirements of this act as to the receipt

1 of benefits.

2 (4) Submits a claim that is approved by the department.

3 "Covered service member." A current or former member of the  
4 armed forces of the United States, including a current or former  
5 member of a reserve component of the armed forces of the United  
6 States or the Pennsylvania National Guard, who meets any of the  
7 following requirements:

8 (1) Is undergoing medical treatment, recuperation or  
9 therapy.

10 (2) Is otherwise in outpatient status.

11 (3) Is on the temporary disability retired list for a  
12 serious injury or illness incurred in the line of duty on  
13 active duty in the armed forces of the United States or a  
14 serious injury or illness that existed before the beginning  
15 of the member's active duty that was aggravated by service in  
16 the line of duty on active duty in the armed forces of the  
17 United States, a reserve component of the armed forces of the  
18 United States or the Pennsylvania National Guard.

19 "Department." The Department of Labor and Industry of the  
20 Commonwealth.

21 "Employee." An individual who is employed by an employer  
22 doing business in this Commonwealth.

23 "Employer." An employer as defined in section 103 of the  
24 Workers' Compensation Act.

25 "Family." Includes any of the following:

26 (1) A biological child, adopted or foster child,  
27 stepchild or legal ward, a child of a domestic partner or a  
28 child to whom an employee stands in loco parentis, regardless  
29 of age.

30 (2) A biological parent, foster parent, stepparent or

1 adoptive parent or legal guardian of an employee or an  
2 employee's spouse or domestic partner or an individual who  
3 stood in loco parentis when the employee or the employee's  
4 spouse or domestic partner was a minor child.

5 (3) An individual to whom the employee is legally  
6 married under the laws of any state or a domestic partner of  
7 an employee as registered under the laws of any state or  
8 political subdivision.

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

12 (5) An individual for whom the employee is responsible  
13 for providing or arranging care, including helping that  
14 individual obtain diagnostic, preventive, routine or  
15 therapeutic health treatment.

16 (6) Any other individual whose close association with  
17 the employee is the equivalent of an immediate family  
18 relationship.

19 "Family and Medical Leave Act of 1993." The Family and  
20 Medical Leave Act of 1993 (Public Law 103-3, 29 U.S.C. § 2601 et  
21 seq.).

22 "Family and medical leave insurance." Benefits approved and  
23 payable to covered individuals under the program.

24 "Fund." The Family and Medical Leave Insurance Fund  
25 established under section 506.

26 "Health care provider." A health care center or a person,  
27 including a corporation, university or other educational  
28 institution licensed or approved by the Commonwealth to provide  
29 health care or professional medical services, including a  
30 physician, a certified nurse midwife, a mental health care

1 provider, a hospital, a nursing home, a birth center or any  
2 other person determined by the department to be providing health  
3 care services.

4 "Leave." The allotted amount of time approved by the  
5 department for the receipt of benefits pursuant to this act.

6 "Medical certification." Written certification from a health  
7 care provider on a form prepared by the department that verifies  
8 the serious health condition prompting the filing of a claim and  
9 receipt of benefits by a covered individual pursuant to this  
10 act.

11 "Program." The Pennsylvania Family and Medical Leave  
12 Insurance Program established under section 301.

13 "Qualifying exigency leave." Leave for the family member of  
14 a military member deployed at home or abroad for the purposes  
15 specified in 29 CFR 825.126 (relating to leave because of a  
16 qualifying exigency).

17 "Secretary." The Secretary of Labor and Industry of the  
18 Commonwealth.

19 "Serious health condition." An illness, injury, impairment,  
20 pregnancy, recovery from childbirth or physical or mental  
21 condition as defined at section 101(11) of the Family and  
22 Medical Leave Act of 1993.

23 "Statewide average weekly wage." The average amount of  
24 weekly wages as determined by the department on an annual basis  
25 for each calendar year pursuant to the Workers' Compensation  
26 Act, which shall be posted on the department's publicly  
27 accessible Internet website.

28 "Unemployment Compensation Law." The act of December 5, 1936  
29 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
30 Compensation Law.

1 "Workers' Compensation Act." The act of June 2, 1915  
2 (P.L.736, No.338), known as the Workers' Compensation Act.

3 CHAPTER 3

4 FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

5 Section 301. Family and Medical Leave Insurance Program.

6 (a) Establishment of program.--Within one year of the  
7 effective date of this section, the department shall establish  
8 the Pennsylvania Family and Medical Leave Insurance Program. No  
9 later than two years following the establishment of the program,  
10 the department shall pay family and medical leave insurance  
11 benefits as specified in this act.

12 (b) Required documentation.--The department shall establish  
13 reasonable procedures and forms for filing a claim under this  
14 act, the documentation necessary to support a claim and any  
15 certification required from a health care provider for proof of  
16 a serious health condition.

17 (c) Notice of approved claim.--In addition to the notice  
18 provided to an employer by an employee under section 501(d), the  
19 department shall notify the employer within five business days  
20 of an approved claim for benefits under this act.

21 (d) Information sharing.--Information sharing and  
22 integration technology to facilitate the disclosure of relevant  
23 information or records shall be used as practicable subject to  
24 consent and disclosure requirements under State law.

25 (e) Confidentiality.--Information contained in the files and  
26 records pertaining to an individual filing a claim under this  
27 act are confidential and shall not be open to public inspection  
28 other than to public employees in the performance of their  
29 official duties.

30 (f) Cooperation among departments.--To properly effectuate

1 the provisions of this act, all departments and agencies under  
2 the jurisdiction of the Governor shall fully cooperate with the  
3 department and provide assistance and support as needed to  
4 ensure the timely and efficient delivery of benefits under this  
5 act.

6 Section 302. Powers and duties of department.

7 (a) Administration of act.--The department shall be  
8 responsible for the administration of this act and the fund.  
9 Administration of the program for purposes of this section and  
10 section 506 shall include acquisition, development and  
11 operational costs related to information technology,  
12 infrastructure and personnel needed to process claims and issue  
13 benefits pursuant to the act.

14 (b) Powers and duties.--To fulfill its responsibilities  
15 under this act, the department shall have the following powers  
16 and duties to:

17 (1) Calculate and set the amount of benefits payable to  
18 a covered individual as set forth in section 305 initially  
19 and on an annual basis thereafter.

20 (2) Provide information to employees and employers on  
21 the amount to be deducted as employee payroll premium  
22 contributions as set forth in section 306 initially and every  
23 year thereafter.

24 (3) Develop and prepare the written notices that  
25 employers must distribute and provide to their employees  
26 pursuant to section 501. The form of the notices shall be  
27 posted on the department's publicly accessible Internet  
28 website.

29 (4) Prepare and provide the medical certification form  
30 referenced in section 303(d) on the department's publicly



1 accessible Internet website.

2 (5) Prepare and provide the necessary forms for filing  
3 and acknowledging a benefits claim and for providing notice  
4 of benefits approval to both employers and covered individual  
5 employees.

6 (6) Develop the abstract for employer posting of notice  
7 in the workplace under section 501, which shall be available  
8 on the department's publicly accessible Internet website.

9 (7) Prepare and provide the employee complaint form on  
10 the department's publicly accessible Internet website.

11 (8) Develop any and all forms necessary to ensure  
12 implementation of this act.

13 (9) Develop procedures to investigate and resolve  
14 complaints under this act.

15 (10) Conduct an ongoing public outreach campaign to  
16 inform employers and employees about the availability of the  
17 program and the process for filing a benefits claim.

18 (11) Promulgate regulations as necessary to administer  
19 this act.

20 (12) Issue an annual report under section 507.

21 (c) Enforcement of act.--The secretary shall establish a  
22 system for an administrative complaint and appeals process in  
23 the case of a denial of family and medical leave insurance  
24 benefits and all violations assessed under this act. In  
25 establishing the appeals system, the department may utilize  
26 procedures and appeals mechanisms established under the  
27 Unemployment Compensation Law. Procedures to ensure  
28 confidentiality of all information related to any claims filed  
29 or appeals taken shall be implemented in accordance with  
30 applicable laws.

1 Section 303. Eligibility for family and medical leave insurance  
2 benefits.

3 (a) Basis for receipt of benefits.--No later than two years  
4 following establishment of the program, benefits under this act  
5 shall be payable to a covered individual who files an approved  
6 claim based on any of the following:

7 (1) Because of birth, adoption or placement through  
8 foster care, is caring for a new child during the first year  
9 after the birth, adoption or placement of that child.

10 (2) Is caring for a family member with a serious health  
11 condition.

12 (3) Has a serious health condition, including pregnancy,  
13 that renders the covered individual unable to perform the  
14 functions of the individual's position.

15 (4) In a declared public health emergency, is caring for  
16 a family member with a serious health condition.

17 (5) Is caring for a family member who is a covered  
18 service member due to a qualifying exigency leave in  
19 accordance with the terms of the Family and Medical Leave Act  
20 of 1993.

21 (b) Employment and income eligibility requirements.--To be  
22 eligible to file a benefits claim, a covered individual must  
23 have:

24 (1) Worked at least 18 weeks during the 12-month period  
25 prior to submitting a claim.

26 (2) Earned at least \$2,718 in income during the 12-month  
27 period prior to submitting a claim. This earned income rate  
28 shall be adjusted annually by the department based on the  
29 Pennsylvania Unemployment Insurance Financial Eligibility  
30 Rules.

1 (c) Interaction with the Workers' Compensation Act and the  
2 Unemployment Compensation Law.--To file a benefits claim and  
3 receive benefits under this act, a covered individual cannot  
4 receive benefits for the same day under the Workers'  
5 Compensation Act or the Unemployment Compensation Law.

6 (d) Filing of benefits claim.--An individual seeking  
7 benefits under this act shall submit a claim to the department  
8 providing the required documentation to support a claim for  
9 benefits, including any necessary medical certification.

10 (e) Medical certification.--A covered individual shall  
11 obtain a medical certification confirming a serious health  
12 condition under subsection (a) (2), (3) and (4) that justify the  
13 filing of a claim and the receipt of benefits under this act and  
14 shall make that information available to the department on the  
15 form prescribed by the department. Any completed medical  
16 certification form regarding a covered individual shall be  
17 entitled to the protections of the Health Insurance Portability  
18 and Accountability Act of 1996 (Public Law 104-191, 110 Stat.  
19 1936).

20 (f) Adjudication of claim.--Upon receipt of all necessary  
21 documentation to support a claim for benefits from a covered  
22 individual, the department shall determine eligibility for  
23 benefits under this act within five business days.

24 Section 304. Duration of benefits.

25 (a) Maximum leave duration of 20 weeks.--The maximum number  
26 of weeks during which benefits are payable under section 303(a)  
27 (1) or (3) in an application year is 20 weeks.

28 (b) Maximum leave duration of 12 weeks.--The maximum number  
29 of weeks during which benefits are payable under section 303(a)  
30 (2), (4) or (5) in an application year is 12 weeks.

1 (c) Total maximum duration.--The duration of leave under  
2 subsections (a) and (b) combined cannot exceed a total number of  
3 20 weeks in any one application year regardless of reason.

4 (d) Initial payment of benefits.--The first payment of  
5 benefits shall be made to a covered individual no later than one  
6 week:

7 (1) after the claim is filed and approved by the  
8 department; or

9 (2) from the date the leave is scheduled to commence.

10 (e) Payment of benefits.--After the initial payment of  
11 benefits, subsequent payments shall be made semimonthly  
12 thereafter for the duration of the approved leave.

13 Section 305. Amount of benefits.

14 (a) Calculation of benefits.--The benefits payable to a  
15 covered individual shall be calculated as follows:

16 (1) the portion of a covered individual's average weekly  
17 wage that is equal to or less than 50% of the Statewide  
18 average weekly wage shall be replaced at a rate of 90%; and

19 (2) the portion of a covered individual's average weekly  
20 wage that exceeds 50% of the Statewide average weekly wage  
21 shall be replaced at a rate of 50%.

22 (b) Limitation.--In no case shall the weekly benefits  
23 payable to a covered individual be more than the Statewide  
24 average weekly wage.

25 (c) Adjustment of benefits calculation.--The department  
26 shall adjust the maximum family and medical leave insurance  
27 benefit cap established in subsection (a) annually based on the  
28 Statewide average weekly wage and shall transmit notice of the  
29 revised family and medical leave insurance benefit rates to the  
30 Legislative Reference Bureau for publication in the Pennsylvania

1 Bulletin on an annual basis.

2 (d) Limit on taking of benefits and nonsequential leave.--

3 Under this section and section 307, benefits are not payable for  
4 less than eight hours of leave taken in one work week.

5 Section 306. Contributions.

6 (a) Payment into the program.--All persons employed in this  
7 Commonwealth shall be required to contribute to the program for  
8 the purpose of financing the program.

9 (b) Commencement of payroll premium contributions.--Payroll  
10 premium contributions into the fund for the purpose of financing  
11 the program shall commence at least one year prior to the  
12 payment of any benefits from the fund to covered individuals.

13 (c) Calculation of payroll premium contributions.--The  
14 amount payable through employee payroll premium contributions  
15 shall be set at 0.588% of an individual employee's wages to  
16 initiate payments into the program. Every year thereafter, the  
17 department shall evaluate and determine the amount of payroll  
18 premium contributions and maximum employee contribution  
19 necessary to finance and adequately support the program. The  
20 premium contribution rate shall be the rate necessary to obtain  
21 a total amount of premium contributions equal to 125% of the  
22 benefits which were paid for the periods of leave during the  
23 last preceding full fiscal year plus an amount equal to 100% of  
24 the cost of administration of the fund during the last preceding  
25 full fiscal year, less the amount of net assets remaining in the  
26 fund as of December 31 of the immediately preceding calendar  
27 year. The payroll premium contribution rate shall be posted on  
28 the department's publicly accessible Internet website.

29 (d) Notification to employers.--The department shall notify  
30 the Department of Revenue to advise employers of the amount

1 payable through employee payroll premium contributions.

2 (e) Penalty for failure to withhold.--An employer who fails  
3 to withhold payroll premium contributions in accordance with  
4 this act shall be subject to those penalties enforceable through  
5 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform  
6 Code of 1971, for failure to properly withhold wages for income  
7 tax and sales and use tax purposes.

8 Section 307. Reduced leave schedule.

9 (a) Taking of nonsequential leave.--A covered individual  
10 shall be entitled to utilize the leave authorized under section  
11 304, at the option of the covered individual, to take leave on  
12 an intermittent or reduced leave schedule in which all of the  
13 leave authorized under this act is not taken sequentially.  
14 Family and medical leave insurance benefits for intermittent or  
15 reduced leave schedules shall be prorated.

16 (b) Impact on duration of leave.--Nonsequential leave taken  
17 under this section shall not result in a reduction in the total  
18 amount of family and medical leave to which a covered individual  
19 is entitled beyond the amount of leave actually taken.

20 (c) Total amount of leave allowed.--Nothing in this section  
21 shall be construed to enable a covered individual to take more  
22 leave than allowed under section 304.

23 Section 308. Employment protections.

24 (a) Restoration of employment position.--Any covered  
25 individual who takes leave pursuant to this act shall, upon the  
26 expiration of that leave, be restored by the employer to the  
27 position previously held by the covered individual when the  
28 leave commenced, or to a position with equivalent seniority,  
29 status, employment benefits, pay and other terms and conditions  
30 of employment.

1 (b) Health care benefits maintained.--For the duration of a  
2 leave approved under this act, the employer shall maintain any  
3 health care benefits the covered individual had prior to taking  
4 leave as if the covered individual had continued in employment  
5 continuously from the date leave was commenced until the date  
6 the leave terminates. A covered individual shall continue to pay  
7 the covered individual's share of the cost of health benefits as  
8 required prior to the commencement of the leave.

9 (c) Interference with benefits.--It shall be unlawful for an  
10 employer or any other person to interfere with, restrain or deny  
11 the exercise of, or the attempt to exercise, any protection  
12 afforded under this act.

13 (d) Retaliation prohibited.--An employer, temporary help  
14 company, employment agency, employee organization or other  
15 person shall not take retaliatory personnel action or otherwise  
16 discriminate against a person because the person took any action  
17 in accordance with this act, including:

18 (1) Applying for or using benefits or taking leave under  
19 this act.

20 (2) Communicating to the employer or any other person or  
21 entity an intent to file and act on a claim, a complaint or  
22 an appeal with the department or a court of competent  
23 jurisdiction.

24 (e) Consideration of absence.--It shall be unlawful for an  
25 employer to count leave taken under this act as an absence that  
26 may lead to or result in a retaliatory personnel action.

27 (f) Good faith protection.--Protections under this section  
28 shall apply to any person who mistakenly but in good faith  
29 alleges a violation of this act.

30 (g) Definition.--As used in this section, the term

1 "retaliatory personnel action" includes any threat, discipline,  
2 discharge, suspension, demotion, reduction of hours or any other  
3 adverse action taken against an employee for exercising the  
4 rights and protections afforded by this act. The term shall also  
5 include interference with or punishment for participating in or  
6 acting on a complaint or appeal under this act.

7 Section 309. Coordination of benefits.

8 (a) Leave concurrent with Federal law.--Leave taken under  
9 this act that also qualifies as leave under the Family and  
10 Medical Leave Act of 1993 shall run concurrently with leave  
11 taken under the Family and Medical Leave Act of 1993.

12 (b) Coordination with other paid leave.--An employee may  
13 elect to utilize paid leave available under any other Federal or  
14 State law, collective bargaining agreement or employer policy  
15 prior to receiving benefits under this act. Employers shall  
16 provide employees with written notice of the opportunity to make  
17 the election, and inform employees how leave will be coordinated  
18 absent any election.

19 (c) Employer's obligation.--This act does not diminish an  
20 employer's obligation to comply with any of the following that  
21 provide more generous leave:

22 (1) A collective bargaining agreement.

23 (2) An employer policy.

24 (3) Any other Federal or State law.

25 (d) Prohibition on subsequent collective bargaining  
26 agreement or employer policy.--An individual's right to leave  
27 and the payment of benefits under this act may not be diminished  
28 by a collective bargaining agreement entered into or renewed, or  
29 an employer policy adopted or retained, after the effective date  
30 of this section. Any agreement by an individual to waive the



1 individual's rights under this act is void as against public  
2 policy.

3 (e) 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 (f) 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 CHAPTER 5

### 16 ADMINISTRATION AND PROCEDURES

17 Section 501. Notice.

18 (a) Employer notice to employees.--Upon initial hiring of an  
19 employee, and annually thereafter, an employer shall provide  
20 written notice of the requirements of this act using the notices  
21 prepared and posted by the department under section 302.

22 (b) Employer acknowledgment of leave request.--Using the  
23 form prepared by the department under section 302, an employer  
24 shall provide written acknowledgment to an employee when the  
25 employee requests leave under this act. The acknowledgment shall  
26 include:

27 (1) An explanation of the employee's right to benefits  
28 under this act and the terms for its use.

29 (2) The amount of benefits.

30 (3) The procedure for filing a benefits claim with the

1 department.

2 (4) Provisions on job protection and benefits  
3 continuation under section 308.

4 (5) The prohibition on employer discrimination and  
5 retaliatory personnel action against a person for requesting,  
6 applying for or using leave as provided in section 308.

7 (6) The employee's ability to file a complaint for  
8 violations of this act.

9 (c) Public display of notice.--Using the abstract for  
10 employer posting available on the department's publicly  
11 accessible Internet website, an employer shall display and  
12 maintain a poster in a conspicuous place accessible to employees  
13 at the employer's place of business that contains the  
14 information required by this section in English and Spanish,  
15 with consideration to the inclusion of other significant  
16 languages spoken in the workplace.

17 (d) Employee notice to employer.--When the need for leave is  
18 known to the employee at least 15 days in advance, the employee  
19 shall provide written or verbal notice to the employer of the  
20 need and schedule for taking leave at least 15 days prior to  
21 taking leave. The employee shall make a reasonable effort to  
22 schedule leave in a manner that does not unduly disrupt the  
23 operations of the employer. For all other absences, the employee  
24 shall notify the employer as soon as practicable, including if  
25 the need arises immediately before or after the employee has  
26 reported for work.

27 Section 502. Erroneous payments and disqualification for  
28 benefits.

29 (a) Employee disqualification.--A covered individual is  
30 disqualified from receiving benefits for one year if the

1 individual is determined by the department to have willfully  
2 made a false statement or misrepresentation regarding a material  
3 fact, or willfully failed to report a material fact, to obtain  
4 benefits under this act.

5 (b) Incorrect payment of benefits.--In the event benefits  
6 under this act are paid:

7 (1) Erroneously without fault or for a claim that is  
8 subsequently rejected after benefits are paid, the department  
9 may seek repayment through a reasonable reduction in any  
10 future benefits due the recipient.

11 (2) As a result of willful misrepresentation by the  
12 recipient, the recipient shall be liable to repay a sum equal  
13 to the amount of benefits derived through that willful  
14 misrepresentation and the recipient shall be further  
15 disqualified for benefits as set forth in subsection (a).

16 Section 503. Elective coverage.

17 (a) Self-employed option.--A self-employed person, including  
18 a sole proprietor, partner or participant in a joint venture,  
19 may elect coverage under this act for an initial period of not  
20 less than three years upon meeting all of the following  
21 requirements:

22 (1) Filing a notice of election in writing with the  
23 department, effective on the date of filing the notice.

24 (2) Supplying all income information that the department  
25 deems necessary.

26 (3) Compliance with all eligibility, employment and  
27 income requirements set forth in section 303.

28 (b) Withdrawal from coverage.--A self-employed person who  
29 has elected coverage may withdraw from coverage within 30 days  
30 after the end of the three-year period of coverage, or at other

1 times as the department may prescribe. Upon filing written  
2 notice with the department, the self-employed person's  
3 withdrawal from coverage shall take effect no later than 30 days  
4 after filing the notice of withdrawal.

5 Section 504. Violations.

6 An employer who violates the requirements of sections 308,  
7 309 or 501 shall be subject to the penalties as set forth in  
8 section 107 of the Family and Medical Leave Act of 1993.

9 Section 505. Judicial review.

10 Judicial review of any decision regarding the denial of  
11 benefits or an appeal of any violation of this act shall be  
12 permitted in a court of competent jurisdiction after a party  
13 aggrieved thereby has exhausted all administrative remedies  
14 established by the department.

15 Section 506. Family and Medical Leave Insurance Fund.

16 (a) Fund established.--The Family and Medical Leave  
17 Insurance Fund is established as a special nonlapsing fund in  
18 the State Treasury.

19 (b) Deposit of money.--Money from employee payroll premium  
20 contributions paid under section 306 and any financial penalties  
21 imposed under this act shall be deposited into the fund and used  
22 by the department for the administration of the program and the  
23 payment of benefits to covered individuals.

24 (c) Continuing appropriation.--All money deposited in the  
25 fund and all interest accrued is appropriated to the department  
26 on a continuing basis to administer the program and provide  
27 benefits under this act.

28 (d) Limitations on fund.--

29 (1) No administrative action shall prevent the deposit  
30 of money into the fund in the fiscal year in which the money

1 is received.

2 (2) The fund may only be used for the program authorized  
3 under this act. Money in the fund cannot be transferred or  
4 diverted to any other purpose by administrative action.

5 (e) Other deposits.--The department may deposit into the  
6 fund any other funds received for the purposes set forth in this  
7 act.

8 Section 507. Annual report.

9 (a) Annual report.--Beginning in 2025, and each year  
10 thereafter, the department shall submit a report to the chair  
11 and minority chair of the Labor and Industry Committee of the  
12 Senate and to the chair and minority chair of the Labor and  
13 Industry Committee of the House of Representatives no later than  
14 September 1 that includes:

15 (1) Actual program participation by category as  
16 delineated in paragraph (2), including total number of leaves  
17 taken.

18 (2) Beneficiary gender for leaves taken.

19 (3) Types of family members for whom leave was taken to  
20 provide care.

21 (4) Payroll premium contribution rate calculations for  
22 the current and previous calendar year and projected rate  
23 calculations for the next three calendar years.

24 (5) Projected program participation over the next three  
25 calendar years.

26 (6) Account balances.

27 (7) The scope and success of outreach efforts.

28 (8) Recommendations for improvements to the program.

29 (b) Public posting of annual report.--The department shall  
30 make the report available on the department's publicly

1 accessible Internet website. Monthly data should also be made  
2 available online.

3 Section 508. Public education.

4 (a) Outreach campaign.--The department shall conduct a  
5 public education campaign to inform employees and employers  
6 regarding the availability of family and medical leave benefits  
7 under this act. The department shall allocate at least \$500,000  
8 from the fund annually to pay for a public education program  
9 that informs employees about benefits and eligibility under this  
10 act. Outreach information shall be available in English, Spanish  
11 and other languages as determined by the department.

12 (b) Community outreach.--The department may utilize outreach  
13 money to identify and assist appropriate community organizations  
14 in educating hard-to-reach populations or industries, including  
15 low-income employees, employees and employers in industries that  
16 do not typically provide paid family leave and employees and  
17 employers whose primary language is not English.

18 Section 509. Advisory Board.

19 The department shall form the Pennsylvania Family and Medical  
20 Leave Insurance Act Advisory Board to assist in the  
21 implementation of the program and ensure effective public  
22 outreach regarding the availability of benefits under this act.

23 (a) Composition of board.--The Board shall be composed of  
24 the following:

25 (1) The secretary of the department or a designee, who  
26 shall serve as the chairperson.

27 (2) The State Treasurer or a designee.

28 (3) The chairperson and minority chairperson of the  
29 Labor and Industry Committee of the Senate or a designee.

30 (4) The chairperson and minority chairperson of the

1 Labor and Industry Committee of the House of Representatives  
2 or a designee.

3 (5) Six members appointed by the secretary representing  
4 an equal number of employers and employees who are residents  
5 of and who work within this Commonwealth.

6 (b) Terms.--Ex officio members shall serve for the length of  
7 the individual's terms. Members appointed pursuant to subsection  
8 (a) (5) shall serve four-year terms and shall not be eligible to  
9 serve more than two full consecutive terms.

10 (c) Quorum.--A majority of the members of the board  
11 participating in person or by video conference shall constitute  
12 a quorum.

13 (d) Meetings.--The board shall meet at the call of the chair  
14 and shall hold meetings at least biannually.

15 (e) Public access.--The board shall permit the public to  
16 view or listen to an advisory board meeting through  
17 contemporaneous methods and shall make the recordings available  
18 on the department's publicly accessible Internet website.

19 (f) Expenses.--Members shall not receive compensation but  
20 shall be reimbursed for actual expenses incurred in service of  
21 the board.

22 Section 510. Regulations.

23 The department shall promulgate regulations as necessary to  
24 implement and administer this act. Final form regulations shall  
25 be promulgated no later than September 1, 2023.

## 26 CHAPTER 21

### 27 MISCELLANEOUS PROVISIONS

28 Section 2101. Effective date.

29 This act shall take effect in 180 days.