

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 479 Session of 2017

INTRODUCED BY DINNIMAN, LEACH, RAFFERTY, FONTANA, SCHWANK, COSTA, KILLION, BREWSTER, TARTAGLIONE, HUGHES, SABATINA, BROWNE, LAUGHLIN AND WARD, MARCH 1, 2017

SENATOR WARD, LABOR AND INDUSTRY, AS AMENDED, OCTOBER 1, 2018

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 (Public Law 103-3,
17 29 U.S.C. § 2601 et seq.).

1 "GRANDPARENT." A BIOLOGICAL OR ADOPTIVE GRANDFATHER OR <--
2 GRANDMOTHER OR STEPGRANDFATHER OR STEPGRANDMOTHER.

3 "GRANDCHILD." A BIOLOGICAL OR ADOPTIVE GRANDSON OR
4 GRANDDAUGHTER OR STEPGRANDSON OR STEPGRANDDAUGHTER.

5 "SIBLING." A BIOLOGICAL OR ADOPTIVE BROTHER OR SISTER OR
6 STEPBROTHER OR STEPSISTER.

7 Section 3. Eligibility.

8 (a) General rule.--An employer shall provide up to six weeks
9 of the same UNPAID leave to an eligible employee to which the <--
10 eligible employee is entitled under the Family and Medical Leave
11 Act of 1993 (Public Law 103-3, 29 U.S.C. 2601 et seq.) ~~with~~ <--
12 ~~respect~~ to CARE FOR a spouse, son, daughter or parent, but only <--
13 TO CARE for the eligible employee's sibling, grandparent or <--
14 grandchild, ~~provided IF the sibling, grandparent or grandchild~~ <--
15 ~~has no living spouse, child~~ SIBLING, GRANDPARENT OR GRANDCHILD: <--

16 (1) DOES NOT HAVE A LIVING SPOUSE, CHILD over 17 years
17 of age or parent under 65 years of age; AND <--

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 the Family and Medical Leave Act of 1993.

23 ~~(c) Amount of leave. The amount of leave taken by an~~ <--

24 (C) AMOUNT OF LEAVE.-- <--

25 (1) THE AMOUNT OF LEAVE TAKEN BY AN eligible employee
26 under this section shall not exceed six weeks during a 12-
27 month period. THE 12-MONTH PERIOD SHALL BE DETERMINED IN THE <--
28 SAME MANNER THAT THE EMPLOYER DETERMINES THE 12-MONTH PERIOD
29 FOR LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

30 (2) LEAVE MUST BE TAKEN IN A MINIMUM OF ONE-WEEK

1 INCREMENTS.

2 (3) LEAVE TAKEN BY AN ELIGIBLE EMPLOYEE UNDER THE FAMILY
3 AND MEDICAL LEAVE ACT OF 1993 SHALL REDUCE AN EMPLOYEE'S
4 LEAVE ENTITLEMENT IN ANY APPLICABLE 12-MONTH PERIOD UNDER
5 THIS SECTION, PROVIDED THAT LEAVE TAKEN BY AN EMPLOYEE IN
6 ACCORDANCE WITH THIS SECTION SHALL NOT REDUCE THE EMPLOYEE'S
7 LEAVE ENTITLEMENT UNDER THE FAMILY AND MEDICAL LEAVE ACT OF
8 1993.

9 (D) EMPLOYEE NOTICE OF LEAVE.--AN EMPLOYEE SHALL PROVIDE
10 WRITTEN OR VERBAL NOTICE OF THE NEED TO TAKE LEAVE UNDER THIS
11 SECTION TO THE EMPLOYER AS SOON AS PRACTICABLE.

12 (E) MEDICAL CERTIFICATION.--

13 (1) AN EMPLOYER MAY REQUIRE CERTIFICATION FROM A
14 PHYSICIAN TO VERIFY TERMINAL ILLNESS OF AN EMPLOYEE PROVIDING
15 NOTICE OF THE NEED TO TAKE LEAVE UNDER THIS SECTION.

16 (2) THE DEPARTMENT SHALL DEVELOP A FORM THAT MAY BE USED
17 TO PROVIDE MEDICAL CERTIFICATION UNDER THIS SUBSECTION.

18 (F) EMPLOYER POSTING.--AN EMPLOYER SHALL POST AND MAINTAIN
19 IN A CONSPICUOUS PLACE A PRINTED ABSTRACT, DEVELOPED BY THE
20 DEPARTMENT, WITH THE PROVISIONS OF THIS ACT.

21 SECTION 4. COMPLAINTS.

22 AN EMPLOYEE MAY FILE A COMPLAINT WITH THE DEPARTMENT ON A
23 FORM PRESCRIBED BY THE DEPARTMENT IF THE EMPLOYEE:

24 (1) IS DENIED LEAVE;

25 (2) BELIEVES THAT THE EMPLOYEE IS ENTITLED TO THAT
26 LEAVE; AND

27 (3) BELIEVES THAT THE EMPLOYER HAS VIOLATED SECTION
28 3(B).

29 SECTION 5. ADMINISTRATION.

30 THE DEPARTMENT HAS THE FOLLOWING POWER AND DUTIES:

1 (1) PROVIDE THE ABSTRACT FOR EMPLOYER POSTING ON THE
2 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

3 (2) PROVIDE THE MEDICAL CERTIFICATION FORM REFERENCED IN
4 SECTION 3(E) ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET
5 WEBSITE.

6 (3) PROVIDE THE EMPLOYEE COMPLAINT FORM ON THE
7 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

8 (4) DEVELOP PROCEDURES TO INVESTIGATE AND RESOLVE
9 COMPLAINTS.

10 (5) PROMULGATE REGULATIONS AS NECESSARY TO ADMINISTER
11 THIS ACT.

12 Section 4 6. Effective date.

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13 This act shall take effect ~~immediately~~ IN 60 DAYS.

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