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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 140 Session of  
2019

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INTRODUCED BY KILLION, DINNIMAN, BREWSTER, COSTA, FONTANA,  
HAYWOOD, HUGHES, LEACH, SANTARSIERO, SCHWANK AND YUDICHAK,  
FEBRUARY 19, 2019

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REFERRED TO LABOR AND INDUSTRY, FEBRUARY 19, 2019

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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. Effective date.

10 This act shall take effect in 60 days.