
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 746 Session of
2021

INTRODUCED BY COSTA, STREET, KANE, COLLETT, BREWSTER, KEARNEY,
SANTARSIERO, SCHWANK, TARTAGLIONE, COMMITTA, HAYWOOD AND
CAPPELLETTI, JUNE 7, 2021

REFERRED TO LABOR AND INDUSTRY, JUNE 7, 2021

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 "Domestic partner." A member of a domestic partnership.

14 "Domestic partnership." A long-term committed relationship
15 between two unmarried individuals who:

16 (1) Are residents of this Commonwealth, or one of whom
17 is employed, owns real property or owns and operates a

1 business in this Commonwealth or is a recipient of or has a
2 vested interest in employee benefits from the Commonwealth.

3 (2) Are at least 18 years of age and competent to
4 contract.

5 (3) Are not related to each other by blood in any way
6 which would prohibit marriage in this Commonwealth.

7 (4) Have no other domestic partner but the other
8 individual.

9 (5) Have not been a member of a different domestic
10 partnership for the three months prior to requesting family
11 and medical leave unless the previous domestic partnership
12 ended as a result of the death of the other domestic partner.

13 (6) Agree to share the common necessities of life and to
14 be responsible for each other's common welfare.

15 (7) Share at least one residence with the other domestic
16 partner.

17 (8) Agree under penalty of law to notify the department
18 of any change in the status of the domestic partnership.

19 "Eligible employee." As defined in section 101(2) of the
20 FMLA.

21 "FMLA." The Family and Medical Leave Act of 1993 (Public Law
22 103-3, 29 U.S.C. § 2601 et seq.).

23 Section 3. Eligibility.

24 (a) General rule.--An employer shall provide the same leave
25 to an eligible employee to which the eligible employee is
26 entitled under the FMLA with respect to a spouse to care for a
27 domestic partner.

28 (b) Protections.--An eligible employee who takes family and
29 medical leave under subsection (a) is entitled to the same
30 protections and rights that an eligible employee is entitled to

1 under the FMLA.

2 (c) Amount of leave.--The amount of family and medical leave
3 taken by an eligible employee under subsection (a) shall not
4 exceed 12 weeks during a 12-month period.

5 (d) Applicability.--This act shall apply to employers in
6 this Commonwealth that are subject to the FMLA.

7 Section 4. Effective date.

8 This act shall take effect immediately.