
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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2025

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D. WILLIAMS, ISAACSON, BOYD, CIRESI AND BELLMON,
FEBRUARY 12, 2025

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 12, 2025

AN ACT

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

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

22 CHAPTER 1

23 PRELIMINARY PROVISIONS

24 Section 101. Short title.

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

27 Section 102. Legislative intent.

28 The General Assembly finds and declares as follows:

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

1 (2) Paid family and medical leave has a positive impact
2 on economic stability and ensures competitive viability for
3 all businesses, but particularly smaller businesses.

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

6 Section 103. Definitions.

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

10 "Abuse of a vulnerable adult." Includes any of the
11 following:

12 (1) Forced, inappropriate use, or the threat of
13 inappropriate use, of medications or physical or chemical
14 restraints.

15 (2) Misuse of power or authority granted to a person
16 through a power of attorney or by a court in a guardianship
17 or conservatorship proceeding that results in unreasonable
18 confinement or restriction of liberty.

19 (3) Acts of violence against, or the taking,
20 transferring, concealing, harming or disposing of, an
21 emotional support or service animal owned, possessed or held
22 by a vulnerable adult.

23 (4) The failure of a caregiver to provide goods, care or
24 services essential to avoid a clear and serious threat to the
25 physical or mental health of a vulnerable adult.

26 (5) An act or course of conduct by a caregiver against a
27 vulnerable adult or a vulnerable adult's resources without
28 the informed consent of the vulnerable adult or with consent
29 obtained through misrepresentation, coercion or threats of
30 force, that results in monetary, personal or other benefit,

1 gain or profit for the perpetrator or monetary or personal
2 loss to the vulnerable adult.

3 (6) The desertion of a vulnerable adult by a caregiver.

4 (7) Knowingly restricting the movement or independence
5 of a vulnerable adult without the vulnerable adult's consent
6 by removing means of transportation, communication or access
7 to other activities of daily living, including removing
8 access to assistive technology, communication devices or
9 mobility aids.

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

13 "Attesting third party." A disability service organization
14 manager or coordinator, caregiver agency coordinator or manager,
15 law enforcement official, licensed health care professional,
16 licensed social worker, victim advocate or victim service
17 provider.

18 "Authorized reason for leave for a qualifying act of
19 violence." Any of the following:

20 (1) To seek or obtain medical attention, rehabilitative
21 services, accessibility equipment or other treatment related
22 to a physical or mental injury or disability caused or
23 aggravated by the applicable qualifying act of violence.

24 (2) To recover from a physical or mental injury or
25 disability caused or aggravated by the applicable qualifying
26 act of violence.

27 (3) To seek or obtain services from a victim service
28 provider in relation to the applicable qualifying act of
29 violence.

30 (4) To seek or obtain mental health treatment or other

1 counseling in relation to the applicable qualifying act of
2 violence.

3 (5) To relocate or engage in the process of securing a
4 new residence due to the applicable qualifying act of
5 violence, including securing temporary or permanent housing
6 or enrolling children in a new school.

7 (6) To seek or obtain financial services or meet with a
8 financial professional to address financial issues resulting
9 from the applicable qualifying act of violence.

10 (7) To seek, obtain or provide child care or care to a
11 care-dependent adult necessary as a result of the applicable
12 qualifying act of violence.

13 (8) To seek or obtain legal services related to or
14 resulting from the applicable qualifying act of violence.

15 (9) To prepare for, participate in or attend a civil,
16 administrative or criminal legal proceeding relating to or
17 resulting from the applicable qualifying act of violence.

18 (10) To make modifications to a home or vehicle
19 necessary to create usability of and accessibility to the
20 home or vehicle due to an injury sustained in a qualifying
21 act of violence.

22 (11) To seek or obtain new caregiver services.

23 (12) To take any other action necessary to protect or
24 restore physical, mental, emotional or economic well-being as
25 a result of the applicable qualifying act of violence.

26 "Benefits." The monetary allowances payable to a covered
27 individual for family and medical leave during an approved
28 family and medical leave under the program in accordance with
29 this act.

30 "Board." The Family and Medical Leave Advisory Board

1 established under section 509.

2 "Claim." The filing of a written application with the
3 department for the receipt of benefits.

4 "Covered individual." An employee, or a self-employed person
5 who elects coverage in accordance with section 503, who meets
6 the following requirements, as applicable:

7 (1) Is currently employed in this Commonwealth or was
8 previously employed in this Commonwealth within 120 days of
9 separation from employment.

10 (2) Meets the employment and income eligibility
11 requirements specified in section 303.

12 (3) Meets the requirements of this act as to the receipt
13 of benefits.

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

15 "Covered service member." A current or former member of the
16 armed forces of the United States, including a current or former
17 member of a reserve component of the armed forces of the United
18 States or the Pennsylvania National Guard, who meets any of the
19 following requirements:

20 (1) Is undergoing medical treatment, recuperation or
21 therapy.

22 (2) Is otherwise in outpatient status.

23 (3) Is on the temporary disability retired list for a
24 serious injury or illness incurred in the line of duty on
25 active duty in the armed forces of the United States or a
26 serious injury or illness that existed before the beginning
27 of the member's active duty that was aggravated by service in
28 the line of duty on active duty in the armed forces of the
29 United States, a reserve component of the armed forces of the
30 United States or the Pennsylvania National Guard.

1 "Department." The Department of Labor and Industry of the
2 Commonwealth.

3 "Domestic violence." The occurrence of any of the following
4 acts between family or household members as defined in 23
5 Pa.C.S. § 6102(a) (relating to definitions):

6 (1) Intentionally, knowingly or recklessly causing, or
7 attempting to cause, bodily injury, serious bodily injury or
8 sexual violence.

9 (2) Placing another individual in reasonable fear of
10 imminent serious bodily harm.

11 (3) An act of domestic and other violence as defined in
12 55 Pa. Code § 3042.3 (relating to definitions).

13 (4) The infliction of false imprisonment under 18
14 Pa.C.S. § 2903 (relating to false imprisonment).

15 "Eligible employee." An employee who meets the requirements
16 of section 303(b)(1) and (2).

17 "Employee." An individual who is employed by an employer
18 doing business in this Commonwealth. The term includes a self-
19 employed individual.

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

22 "Family." Includes any of the following:

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

27 (2) A biological parent, foster parent, stepparent or
28 adoptive parent or legal guardian of an employee or an
29 employee's spouse or domestic partner or an individual who
30 stood in loco parentis when the employee or the employee's

1 spouse or domestic partner was a minor child.

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

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

9 (5) An individual who regularly resides in the
10 employee's home or where the relationship creates an
11 expectation that the employee cares for the individual and
12 that the individual depends on the employee for care. The
13 term does not include an individual who simply resides in the
14 same home with no expectation that the employee care for the
15 individual.

16 "Family and medical leave." Benefits approved and payable to
17 covered individuals under the program.

18 "Fund." The Family and Medical Leave Fund established under
19 section 506.

20 "Health care provider." A health care center or a person,
21 including a corporation, university or other educational
22 institution licensed or approved by the Commonwealth to provide
23 health care or professional medical services, including a
24 physician, a certified nurse midwife, a mental health care
25 provider, a hospital, a nursing home, a birth center or any
26 other person determined by the department to be providing health
27 care services.

28 "Leave." The allotted amount of time approved by the
29 department for the receipt of benefits under this act.

30 "Medical certification." Written certification from a health

1 care provider on a form prepared by the department that verifies
2 a serious health condition prompting the filing of a claim and
3 receipt of benefits by a covered individual under this act.

4 "Program." The Family and Medical Leave Program established
5 under section 301.

6 "Qualifying act of violence." An act, conduct or pattern of
7 conduct that could constitute any of the following, regardless
8 of whether anyone is arrested or charged with committing a
9 crime:

10 (1) Domestic violence.

11 (2) Sexual violence.

12 (3) Stalking.

13 (4) Abuse of a vulnerable adult.

14 (5) An act or conduct in which a person uses force to
15 cause or attempt to cause physical or mental injury to
16 another. For purposes of this paragraph, the act or conduct
17 does not include an act or conduct arising out of the
18 ownership, maintenance or use of a motor vehicle, except when
19 the person engaging in the act or conduct:

20 (i) intended to cause, or intended to threaten to
21 cause, physical or mental injury; or

22 (ii) was under the influence of alcohol or a
23 controlled substance.

24 (6) An act or conduct in which a person makes a
25 reasonably perceived or actual threat of physical or mental
26 injury to another. For purposes of this paragraph, the act or
27 conduct does not include an act or conduct arising out of the
28 ownership, maintenance or use of a motor vehicle, except when
29 the person engaging in the act or conduct:

30 (i) intended to cause, or intended to threaten to

1 cause, physical or mental injury; or

2 (ii) was under the influence of alcohol or a
3 controlled substance.

4 "Qualifying exigency leave." Leave for the family member of
5 a military member deployed at home or abroad for the purposes
6 specified in 29 CFR 825.126 (relating to leave because of a
7 qualifying exigency).

8 "Retaliatory personnel action." As follows:

9 (1) Any threat, discipline, discharge, suspension,
10 demotion, reduction of hours or other adverse action taken
11 against an employee for exercising the rights and protections
12 afforded by this act.

13 (2) The term includes interference with or punishment
14 for participating in or acting on a complaint or appeal under
15 this act.

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

18 "Serious health condition." An illness, injury, impairment,
19 pregnancy, recovery from childbirth or physical or mental
20 condition as defined in 29 U.S.C. § 2611(11) (relating to
21 definitions).

22 "Sexual violence." As defined in 42 Pa.C.S. § 62A03
23 (relating to definitions).

24 "Stalking." Conduct in which an individual does any of the
25 following:

26 (1) Engages in a course of conduct or repeatedly commits
27 acts toward another individual, including following the other
28 individual without proper authority:

29 (i) under circumstances which demonstrate either an
30 intent to place the other individual in reasonable fear

1 of bodily injury or to cause substantial emotional
2 distress to the other individual; or

3 (ii) which, as a result, intentionally, knowingly or
4 recklessly places the other individual in reasonable fear
5 of bodily injury or causes substantial emotional distress
6 to the other individual.

7 (2) Engages in a course of conduct or repeatedly
8 communicates to another individual:

9 (i) under circumstances which demonstrate or
10 communicate either an intent to place the other
11 individual in reasonable fear of bodily injury or to
12 cause substantial emotional distress to the other
13 individual; or

14 (ii) which, as a result, intentionally, knowingly or
15 recklessly places the other individual in reasonable fear
16 of bodily injury or causes substantial emotional distress
17 to the other individual.

18 "Statewide average weekly wage." The average amount of
19 weekly wages as determined by the department on an annual basis
20 for each calendar year in accordance with the Workers'
21 Compensation Act, which shall be posted on the department's
22 publicly accessible Internet website.

23 "Unemployment Compensation Law." The act of December 5, 1936
24 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
25 Compensation Law.

26 "Victim." Any of the following:

27 (1) An individual against whom a qualifying act of
28 violence was committed.

29 (2) An individual who was physically present at the
30 scene of a qualifying act of violence and witnessed the

1 qualifying act of violence, who did not commit the qualifying
2 act of violence and who as a direct result:

3 (i) suffers physical or mental injury; or

4 (ii) reasonably believes that the individual is
5 under the threat of physical harm.

6 "Victim advocate." An individual, whether paid or serving as
7 a volunteer, who provides services to victims under the auspices
8 or supervision of a victim service provider, a court or law
9 enforcement or prosecution agency.

10 "Victim service provider." As follows:

11 (1) An agency or organization that provides services to
12 victims.

13 (2) The term includes:

14 (i) A rape crisis center as defined in 42 Pa.C.S. §
15 5945.1(a) (relating to confidential communications with
16 sexual assault counselors).

17 (ii) A domestic violence program as defined in 23
18 Pa.C.S. § 6102(a).

19 (iii) An agency or organization with a documented
20 history of providing services to victims.

21 "Vulnerable adult." An individual who is at least 18 years
22 of age or older, is reliant on a caregiver and is unable to
23 protect themselves from abuse, neglect or exploitation by others
24 because of a disability or impairment.

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

27 CHAPTER 3

28 FAMILY AND MEDICAL LEAVE PROGRAM

29 Section 301. Family and Medical Leave Program.

30 (a) Establishment of program and payment of benefits.--

1 (1) Within one year of the effective date of this
2 section, the department shall establish the Family and
3 Medical Leave Program.

4 (2) Except as provided under section 310, no later than
5 two years following the establishment of the program, the
6 department shall pay family and medical leave benefits as
7 specified in this act.

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

14 (c) Notice of approved claim.--In addition to the notice
15 provided to an employer by an employee under section 501(d), the
16 department shall notify the employer within 10 business days of
17 an approved claim for benefits under this act.

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

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

27 (f) Cooperation among departments.--To properly effectuate
28 the provisions of this act, all departments and agencies under
29 the jurisdiction of the Governor shall fully cooperate with the
30 department and provide assistance and support as needed to

1 ensure the timely and efficient delivery of benefits under this
2 act.

3 Section 302. Powers and duties of department.

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

11 (b) Powers and duties.--To fulfill its responsibilities
12 under this act, the department shall have the following powers
13 and duties:

14 (1) Calculate and set the amount of benefits payable to
15 a covered individual as specified in section 305 initially
16 and on an annual basis thereafter.

17 (2) Provide information to employees and employers on
18 the amount to be deducted as employee payroll contributions
19 as specified in section 306 initially and every year
20 thereafter.

21 (3) Develop and prepare the written notices that
22 employers must distribute and provide to their employees in
23 accordance with section 501. The form of the notices shall be
24 posted on the department's publicly accessible Internet
25 website.

26 (4) Prepare and provide the medical certification form
27 referenced in section 303(f) on the department's publicly
28 accessible Internet website.

29 (5) Prepare and provide the necessary forms for filing
30 and acknowledging a benefits claim and for providing notice

1 of benefits approval to both employers and covered individual
2 employees.

3 (6) Evaluate and adjudicate claims.

4 (7) Evaluate and determine the amount of payroll
5 contributions and maximum employee contributions to ensure
6 fund solvency.

7 (8) Coordinate benefits with employers that have already
8 paid for benefits outside of the fund.

9 (9) Make payments on claims.

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

13 (11) Prepare and provide the employee complaint form on
14 the department's publicly accessible Internet website.

15 (12) Develop all forms necessary to ensure
16 implementation of this act.

17 (13) Develop procedures to investigate and resolve
18 complaints under this act.

19 (14) Conduct an ongoing public outreach campaign to
20 inform employers and employees about the availability of the
21 program and the process for filing a benefits claim.

22 (15) Promulgate regulations as necessary to administer
23 this act.

24 (16) Issue an annual report under section 507.

25 (c) Enforcement of act.--The secretary shall establish a
26 system for an administrative complaint and appeals process in
27 the case of a denial of family and medical leave benefits,
28 denial of a waiver under section 310, denial of family and
29 medical leave benefits provided through a private plan under
30 section 310 and all violations assessed under this act. The

1 system for administrative complaints and appeals process shall
2 be promulgated by the department through regulation. Procedures
3 to ensure confidentiality of all information related to any
4 claims filed or appeals taken shall be implemented in accordance
5 with applicable laws.

6 Section 303. Eligibility for family and medical leave benefits.

7 (a) Basis for receipt of benefits.--No later than two years
8 following establishment of the program, benefits under this act
9 shall be payable to a covered individual who files an approved
10 claim based on any of the following circumstances for which the
11 covered individual:

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

15 (2) Is caring for a family member with a serious health
16 condition.

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

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

22 (5) Is caring for a family member who is a covered
23 service member due to a qualifying exigency leave in
24 accordance with the terms of 29 U.S.C. Ch. 28 (relating to
25 family and medical leave).

26 (6) Is a victim of a qualifying act of violence or has
27 cared for or is caring for a family member who is a victim of
28 a qualifying act of violence and is taking leave for an
29 authorized reason for leave for a qualifying act of violence.

30 (b) Employment and income eligibility requirements.--To be

1 eligible to file a benefits claim, a covered individual must:

2 (1) Have worked at least 18 weeks during the 12-month
3 period prior to submitting a claim.

4 (2) Have earned at least \$2,718 in income during the 12-
5 month period prior to submitting a claim. The earned income
6 rate in this paragraph shall be adjusted annually by the
7 department and reflect the minimum qualifying wage to qualify
8 for benefits under the Unemployment Compensation Law.

9 (3) Not be employed by an employer that has been issued
10 a waiver under section 310.

11 (c) Proof of wages.--The fund shall not be liable for
12 payment of benefits unless the amount of wages that the covered
13 individual earned at the time of their leave is calculated under
14 section 305(a)(2) or under this subsection. If a discrepancy is
15 identified by the department in verifying wages under section
16 305(a)(2), the department may request the following documents
17 from a covered individual to verify their wages:

18 (1) A check, check stub or payroll record.

19 (2) A tax return, including IRS form W-2 and form 1099,
20 or successor forms.

21 (3) Unemployment compensation records, including form
22 UC-2A.

23 (4) Bank statements or records showing regular and
24 recurring deposits.

25 (5) Written documentation created contemporaneously with
26 the payment of wages.

27 (d) Interaction with the Workers' Compensation Act and the
28 Unemployment Compensation Law.--To file a benefits claim and
29 receive benefits under this act, a covered individual may not
30 receive benefits for the same day under the Workers'

1 Compensation Act or the Unemployment Compensation Law.

2 (e) Filing of benefits claim.--An individual seeking
3 benefits under this act must submit a claim to the department
4 providing the required documentation to support a claim for
5 benefits, including any necessary medical certification or
6 qualifying act of violence certification.

7 (f) Medical certification.--

8 (1) A covered individual must obtain a medical
9 certification confirming a serious health condition under
10 subsection (a) (2), (3) or (4) that justifies the filing of a
11 claim and the receipt of benefits under this act and must
12 make that information available to the department on the form
13 prescribed by the department. When possible, the department
14 shall use Federal family and medical leave forms, and shall
15 only use a completed medical certification form regarding a
16 covered individual for the purpose of adjudicating a claim
17 under this act.

18 (2) Confidential medical documentation may not be
19 released by the department unless written authorization is
20 provided by an employee or a covered individual.

21 (g) Qualifying act of violence certification.--

22 (1) The department may require that an employee, within
23 a reasonable period after the absence, provide documentation
24 that the employee or family member of the employee is a
25 victim of a qualifying act of violence.

26 (2) The employee may satisfy the certification
27 requirement by providing to the department any of the
28 following:

29 (i) A copy of a valid court order that restrains the
30 person alleged to have committed the qualifying act of

1 violence from contact with the employee or family member
2 of the employee.

3 (ii) Medical or mental health records indicating
4 that the employee or family member of the employee is a
5 victim of a qualifying act of violence.

6 (iii) A police report documenting the act of which
7 the employee or family member of the employee is a victim
8 of a qualifying act of violence.

9 (iv) Evidence that the person alleged to have
10 committed the qualifying act of violence has been charged
11 with or convicted of an act of which the employee or
12 family member of the employee is a victim.

13 (v) A written certification signed by an attesting
14 third party that affirms that the employee or family
15 member of the employee is a victim of a qualifying act of
16 violence.

17 (vi) Any other form of documentation that reasonably
18 verifies that the employee or family member of the
19 employee is a victim of a qualifying act of violence,
20 including a written statement signed by the employee or
21 an individual authorized to act on behalf of the
22 employee.

23 (3) Furnishing documentation or providing a
24 certification under this subsection is not a waiver of any
25 confidentiality or privilege that may exist between the
26 employee or victim and an attesting third party.

27 (4) The department may not require:

28 (i) That the employee provide a certification that
29 explains the details of the qualifying act of violence.

30 (ii) Disclosure of details relating to a qualifying

1 act of violence or the details of the medical condition
2 of the employee or family member of the employee as a
3 condition of providing leave under this act.

4 (5) The department shall maintain the confidentiality of
5 all information provided to the department under this
6 subsection, except to the extent that disclosure is:

7 (i) requested or consented to in writing by the
8 employee; or

9 (ii) otherwise required by applicable Federal or
10 State law, in which case the department shall provide the
11 employee notice prior to any authorized disclosure.

12 (h) Married or domestic partners employed by the same
13 employer.--Individuals who are legally married or domestic
14 partners under the laws of any state or political subdivision
15 and employed by the same employer shall both be eligible for
16 benefits under this act, even when the leave runs concurrently.

17 (i) Promulgating regulations.--The department shall
18 promulgate regulations to provide for an eligibility
19 adjudication process under this act.

20 (j) 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 20 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), (3) or (6) 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 may not exceed a total number
3 of 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 for the
12 duration of the approved leave.

13 Section 305. Amount of benefits.

14 (a) Calculation of benefits.--

15 (1) The benefits payable to a covered individual shall
16 be calculated as follows:

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

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

24 (2) The calculation of a covered individual's average
25 weekly wage in accordance with this subsection shall be as
26 follows:

27 (i) If at the time the leave commences the wages are
28 fixed by the week, the amount so fixed shall be the
29 average weekly wage.

30 (ii) If at the time the leave commences the wages

1 are fixed by the month, the average weekly wage shall be
2 the monthly wage so fixed multiplied by 12 and divided by
3 52.

4 (iii) If at the time the leave commences the wages
5 are fixed by the year, the average weekly wage shall be
6 the yearly wage fixed divided by 52.

7 (iv) If at the time the leave commences the wages
8 are fixed by any manner not provided in subparagraph (i),
9 (ii) or (iii), the average weekly wage shall be
10 calculated by dividing by 13 the total wages earned in
11 the employ of the employer in each of the highest three
12 of the last four consecutive periods of 13 calendar weeks
13 in the 52 weeks immediately preceding the leave period
14 and by averaging the total amounts earned during these
15 three periods.

16 (v) If the covered employee has not been employed by
17 the employer for at least three consecutive periods of 13
18 calendar weeks in the 52 weeks immediately preceding the
19 leave period, the average weekly wage shall be calculated
20 by dividing by 13 the total wages earned in the employ of
21 the employer for any completed period of 13 calendar
22 weeks immediately preceding the leave period and by
23 averaging the total amounts earned during such periods.

24 (vi) If the employee has worked less than a complete
25 period of 13 calendar weeks and does not have fixed
26 weekly wages, the average weekly wage shall be the hourly
27 wage rate multiplied by the number of hours the employee
28 was expected to work per week under the terms of
29 employment.

30 (vii) Except as provided in subparagraph (v) or

1 (vi), in occupations which are exclusively seasonal and
2 therefore cannot be carried throughout the year, the
3 average weekly wage shall be taken to be one-fifteenth of
4 the total wages which the employee has earned from all
5 occupations during the 12 calendar months immediately
6 preceding the leave, unless it be shown that during such
7 year, by reason of exceptional causes, such method of
8 calculation does not clearly provide the earnings of the
9 employee, in which case the period for calculation shall
10 be extended so far as to give a basis for the fair
11 ascertainment of average weekly earnings.

12 (viii) The terms "average weekly wage" and "total
13 wages," as used in this paragraph shall include board and
14 lodging received from the employer and gratuities
15 reported to the United States Internal Revenue Service by
16 or for the employee for Federal income tax purposes. The
17 terms shall not include amounts deducted by the employer
18 under the contract of hiring for labor furnished or paid
19 for by the employer and necessary for the performance of
20 the contract by the employee, nor shall the terms include
21 deductions from wages due to the employer for rent and
22 supplies necessary for the employee's use in the
23 performance of their labor, nor shall the terms include
24 fringe benefits, including, but not limited to, employer
25 payments for or contributions to a retirement, pension,
26 health and welfare, life insurance, Social Security or
27 any other plan for the benefit of the employee or their
28 dependents.

29 (ix) The amount of any bonus, incentive or vacation
30 payment earned on an annual basis shall be excluded from

1 the calculations under subparagraphs (i), (ii), (iii),
2 (iv), (v) and (vi). Such payments, if any, shall instead
3 be divided by 52 and the amount shall be added to the
4 average weekly wage otherwise calculated under
5 subparagraphs (i), (ii), (iii), (iv), (v) and (vi). If
6 the employee is working under concurrent contracts with
7 two or more employers, the wages from all employers shall
8 be considered as if earned from the employer liable for
9 compensation.

10 (b) Limitation.--

11 (1) In no case shall the weekly benefits payable to a
12 covered individual be more than the Statewide average weekly
13 wage.

14 (2) The application of the Statewide average weekly wage
15 on a claim shall begin on the date that a birth or serious
16 health condition arises.

17 (3) If a claim carries over from one year into another
18 and the Statewide average weekly wage is adjusted, the most
19 recent Statewide average weekly wage shall be used in all
20 future payments.

21 (c) Adjustment of benefits calculation.--The department
22 shall adjust the maximum family and medical leave benefit cap
23 established in subsection (a) annually based on the Statewide
24 average weekly wage and shall transmit notice of the revised
25 family and medical leave benefit rates to the Legislative
26 Reference Bureau for publication in the next available issue of
27 the Pennsylvania Bulletin on an annual basis.

28 (d) Limit on taking of benefits and nonsequential leave.--
29 Under this section and section 307, benefits are not payable for
30 less than eight hours of leave taken in one work week.

1 Section 306. Contributions.

2 (a) Payment into the program.--All persons employed in this
3 Commonwealth shall contribute to the program for the purpose of
4 financing the program.

5 (b) Commencement of payroll contributions.--Payroll
6 contributions into the fund for the purpose of financing the
7 program shall commence at least one year prior to the payment of
8 benefits from the fund to covered individuals.

9 (c) Calculation of payroll contributions.--

10 (1) The amount payable through employee payroll
11 contributions shall be set at a percentage of an individual
12 employee's wages to initiate payments into the program.

13 (2) The payroll contribution shall be calculated using
14 an actuarial experience study that shall take into account
15 all applicable available data. The rate shall be set at an
16 amount to ensure solvency of the fund but shall not exceed 1%
17 of an individual employee's wages.

18 (3) When necessary, but at least every year thereafter,
19 the department shall evaluate and determine the amount of
20 payroll contributions and maximum employee contribution
21 necessary to finance and adequately support the program.

22 (4) The payroll contribution rate shall be posted on the
23 department's publicly accessible Internet website.

24 (5) An employer may deduct up to 50% of the contribution
25 required for an employee by this section from that employee's
26 wages and shall remit 100% of the contribution required by
27 this section from both the employer and those employees to
28 the fund, as follows:

29 (i) An employer with fewer than 15 employees may
30 deduct up to 50% of the contribution required for an

1 employee by this section from that employee's wages and
2 shall remit 50% of the contribution required by this
3 section to the fund.

4 (ii) To determine an employer's number of employees
5 under this subsection, all of an employer's employees
6 shall be counted, including full-time, part-time and
7 temporary in-State employees and all out-of-State
8 employees.

9 (d) Notification to employers.--The department shall notify
10 the Department of Revenue to advise employers of the amount
11 payable through employee payroll contributions.

12 (e) Penalty for failure to withhold.--Except for an employer
13 that has been issued a waiver under section 310, an employer
14 that fails to withhold payroll contributions in accordance with
15 this act shall be subject to those penalties enforceable through
16 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
17 Code of 1971, for failure to properly withhold wages for income
18 tax and sales and use tax purposes.

19 Section 307. Reduced leave schedule.

20 (a) Taking of nonsequential leave.--A covered individual
21 shall be entitled to utilize the leave authorized under section
22 304, at the option of the covered individual, to take leave on
23 an intermittent or reduced leave schedule in which all of the
24 leave authorized under this act is not taken sequentially.
25 Family and medical leave benefits for intermittent or reduced
26 leave schedules shall be prorated.

27 (b) Impact on duration of leave.--Nonsequential leave taken
28 under this section may not result in a reduction in the total
29 amount of family and medical leave to which a covered individual
30 is entitled beyond the amount of leave actually taken.

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

4 Section 308. Employment protections.

5 (a) Restoration of employment position.--A covered
6 individual who takes leave in accordance with this act shall,
7 upon the expiration of that leave, be restored by the employer
8 to the position previously held by the covered individual when
9 the leave commenced, or to a position with equivalent seniority,
10 status, employment benefits, pay and other terms and conditions
11 of employment.

12 (b) Health care benefits maintained.--

13 (1) For the duration of a leave approved under this act,
14 the employer shall maintain any health care benefits the
15 covered individual had prior to taking leave as if the
16 covered individual had continued in employment continuously
17 from the date leave commenced until the date the leave
18 terminates.

19 (2) A covered individual shall continue to pay the
20 covered individual's share of the cost of health benefits as
21 required prior to the commencement of the leave.

22 (c) Interference with benefits.--It shall be unlawful for an
23 employer or any other person to interfere with, restrain or deny
24 the exercise of, or the attempt to exercise, a protection
25 afforded under this act.

26 (d) Retaliation prohibited.--An employer, temporary help
27 company, employment agency, employee organization or other
28 person may not take retaliatory personnel action or otherwise
29 discriminate against a person because the person took action in
30 accordance with this act, including:

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

3 (2) Communicating to the employer or another person or
4 entity an intent to file and act on a claim, a complaint or
5 an appeal with the department or a court of competent
6 jurisdiction.

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

10 (f) Good faith protection.--Protections under this section
11 shall apply to a person who mistakenly but in good faith alleges
12 a violation of this act.

13 Section 309. Coordination of benefits.

14 (a) Leave concurrent with Federal law.--Leave taken under
15 this act that also qualifies as leave under 29 U.S.C. Ch. 28
16 (relating to family and medical leave) shall run concurrently
17 with leave taken under 29 U.S.C. Ch. 28.

18 (b) Coordination with other paid leave.--

19 (1) An employee may elect to utilize paid leave
20 available under any other Federal or State law, collective
21 bargaining agreement or employer policy prior to receiving
22 benefits under this act, provided that the paid leave does
23 not conflict with Federal law.

24 (2) An employer shall provide its employees with written
25 notice of the opportunity to make the election, and inform
26 employees how leave will be coordinated absent an election.

27 (c) Employer's obligation.--This act does not diminish an
28 employer's obligation to comply with any of the following that
29 provides more generous leave:

30 (1) A collective bargaining agreement.

1 (2) An employer policy.

2 (3) Any other Federal or State law.

3 (d) Prohibition on subsequent collective bargaining
4 agreement or employer policy.--

5 (1) An individual's right to leave and the payment of
6 benefits under this act may not be diminished by a collective
7 bargaining agreement entered into or renewed, or an employer
8 policy adopted or retained, after the effective date of this
9 section.

10 (2) An agreement by an individual to waive the
11 individual's rights under this act is void as against public
12 policy.

13 (e) Impact on Workers' Compensation Act.--Nothing in this
14 act shall be construed to impact the provisions of the Workers'
15 Compensation Act with regard to work-related injuries.

16 (f) Impact on Public Employe Relations Act.--Nothing in this
17 act shall be construed to supersede or preempt:

18 (1) the rights, remedies and procedures afforded to
19 employees or labor organizations under Federal or State law,
20 including the act of July 23, 1970 (P.L.563, No.195), known
21 as the Public Employe Relations Act; or

22 (2) any provision of a collective bargaining agreement
23 negotiated between an employer and an exclusive
24 representative of the employees in accordance with the Public
25 Employe Relations Act.

26 Section 310. Employer waiver to use private plan.

27 (a) Waiver.--

28 (1) An employer may apply to the department for a waiver
29 to meet the employer's obligations under this chapter through
30 a private plan. The application must be submitted on a form

1 and in a manner prescribed by the department.

2 (2) The department may approve a private plan and issue
3 a waiver under this section if:

4 (i) a private plan confers at least all of the same
5 rights, protections and benefits provided to employees
6 under this chapter; and

7 (ii) the employer provides evidence that it has in
8 effect a self-funded plan governed under the Employee
9 Retirement Income Security Act of 1974 (Public Law 93-
10 406, 88 Stat. 829) or an insurance policy issued by an
11 entity that has a certificate of authority to do the
12 business of insurance as required by section 208 of the
13 act of May 17, 1921 (P.L.789, No.285), known as The
14 Insurance Department Act of 1921.

15 (3) The private plan shall comply with all of the
16 requirements under this chapter, including the following:

17 (i) Benefits to a covered individual under section
18 303(a)(1), (3) and (6) for the maximum number of weeks
19 required under section 304(a) in a benefit year.

20 (ii) Benefits to a covered individual under section
21 303(a)(2), (4) and (5) for the maximum number of weeks
22 required under section 304(b) in a benefit year.

23 (iii) Covered individuals, in the aggregate, the
24 maximum number of weeks of benefits in a benefit year as
25 required under section 304(c).

26 (iv) A weekly wage replacement rate for each week of
27 benefits of the amount required by section 305(a).

28 (v) A maximum weekly benefit for each week of
29 benefits of the amount specified in section 305(b).

30 (vi) Payment of benefits in accordance with section

1 303(f) and (i).

2 (vii) The allowance of leave and benefits to be
3 taken intermittently or on a reduced schedule as
4 authorized by section 307.

5 (viii) For the adjustment of the maximum benefit cap
6 in accordance with the notice published annually in the
7 Pennsylvania Bulletin under section 305(c).

8 (ix) That no additional conditions or restrictions
9 on the use of leave or benefits beyond those explicitly
10 authorized by this act or regulations promulgated under
11 this act shall be imposed.

12 (x) An employee who is covered under the private
13 plan and eligible to receive benefits under this act, is
14 provided the benefits under the private plan.

15 (xi) That the cost to employees covered by a private
16 plan shall not be greater than the cost charged to
17 employees under section 306(c) and posted on the
18 department's publicly accessible Internet website under
19 section 306(c)(4).

20 (xii) Eligibility requirements under section 303(b)
21 (1) and (2).

22 (b) Construction.--Nothing in this act shall prohibit an
23 employer from providing benefits greater than those listed in
24 subsection (a).

25 (c) Additional employer duties.--To be eligible for a waiver
26 under subsection (a), an employer shall meet all of the
27 following requirements:

28 (1) If the private plan is in the form of self-funded
29 coverage, an employer must furnish a bond running to the
30 Commonwealth, issued by an entity authorized to transact

1 surety business in this Commonwealth under Article VI(e) of
2 the act of May 17, 1921 (P.L.682, No.284), known as The
3 Insurance Company Law of 1921. The form of surety shall be on
4 a form approved by the Insurance Department and in an amount
5 required by the department.

6 (2) The private plan shall provide for all eligible
7 employees throughout the employee's period of employment.

8 (3) An employer that provides a private plan under this
9 section shall provide each employee with a notice of the
10 availability of the program. The notice shall be provided to
11 each employee within five days of approval of a waiver, upon
12 hire and annually thereafter.

13 (d) Additional documentation to be submitted upon
14 approval.--Upon approval of an application for an exemption:

15 (1) The employer shall provide to the department all
16 reports required by regulations promulgated by the
17 department.

18 (2) If an exemption is based on the employer having a
19 self-funded plan, the employer shall provide satisfactory
20 evidence of maintenance of the form of surety as required by
21 the department under subsection (c) (1).

22 (e) Termination of waiver.--The department may terminate
23 approval to use a private plan granted under subsection (a) if
24 the secretary finds that the terms and conditions have been
25 violated or that the employer or private plan has failed to
26 confer any right, protection or benefit afforded to employees
27 under this chapter. The department shall notify an employer of a
28 terminated waiver. Causes for termination of a waiver shall
29 include:

30 (1) failure to pay benefits;

1 (2) failure to pay benefits timely and in a manner
2 consistent with the program;

3 (3) failure to maintain an adequate security deposit;

4 (4) misuse of private plan trust funds;

5 (5) failure to submit any and all reports as required by
6 regulations promulgated by the department; or

7 (6) failure to comply with this section or regulations
8 promulgated by the department.

9 (f) Appeal.--If the secretary terminates a waiver for a
10 private plan under subsection (e), the employer shall have the
11 ability to appeal the decision of the secretary through the
12 regulatory process established under section 302.

13 (g) Protections and enforcement.--

14 (1) An employee covered under a private plan shall
15 retain all employee protections under section 308 and
16 enforcement procedures and the appeals process under section
17 302(c).

18 (2) Applicable enforcement procedures and the appeals
19 process for benefits by an employer-funded plan shall be
20 subject to an appeal under section 302(c).

21 (3) Applicable enforcement procedures and the appeals
22 process for benefits by an insurance policy shall be subject
23 to review as outlined in the policy of insurance and
24 applicable insurance law.

25 (4) If all appeals under the policy of insurance have
26 been exhausted, an individual may appeal to the department on
27 a form and in a manner prescribed by the department.

28 CHAPTER 5

29 ADMINISTRATION AND PROCEDURES

30 Section 501. Notice.

1 (a) Employer notice to employees.--Except for an employer
2 that has been issued a waiver under section 310, upon initial
3 hiring of an employee, and annually thereafter, an employer
4 shall provide written notice of the requirements of this act
5 using the notices prepared and posted by the department under
6 section 302.

7 (b) Employer acknowledgment of leave request.--Using the
8 form prepared by the department under section 302, an employer
9 shall provide written acknowledgment to an employee when the
10 employee requests leave under this act. The acknowledgment shall
11 include:

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

14 (2) The amount of benefits.

15 (3) The procedure for filing a benefits claim with the
16 department.

17 (4) Provisions on job protection and benefits
18 continuation under section 308.

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

22 (6) The employee's ability to file a complaint alleging
23 a violation of this act.

24 (c) Public display of notice.--Using the abstract for
25 employer posting available on the department's publicly
26 accessible Internet website, an employer shall display and
27 maintain a poster in a conspicuous place accessible to employees
28 at the employer's place of business that contains the
29 information required by this section in English and Spanish,
30 with consideration to the inclusion of other significant

1 languages spoken in the workplace.

2 (d) Employee notice to employer.--

3 (1) When the need for leave is known to the employee at
4 least 30 days in advance, the employee shall provide written
5 or verbal notice to the employer of the need and schedule for
6 taking leave at least 30 days prior to taking leave.

7 (2) The employee shall make a reasonable effort to
8 schedule leave in a manner that does not unduly disrupt the
9 operations of the employer.

10 (3) For all other absences, the employee shall notify
11 the employer as soon as practicable, including if the need
12 arises immediately before or after the employee has reported
13 for work.

14 Section 502. Erroneous payments and disqualification for
15 benefits.

16 (a) Employee disqualification.--A covered individual is
17 disqualified from receiving benefits for one year if the
18 individual is determined by the department to have willfully
19 made a false statement or misrepresentation regarding a material
20 fact, or willfully failed to report a material fact, to obtain
21 benefits under this act.

22 (b) Incorrect payment of benefits.--

23 (1) If benefits under this act are paid erroneously
24 without fault or for a claim that is subsequently rejected
25 after benefits are paid, the department may seek repayment
26 through a reasonable reduction in any future benefits due the
27 recipient.

28 (2) If benefits under this act are paid as a result of
29 willful misrepresentation by the recipient, the recipient
30 shall be liable to repay a sum equal to the amount of

1 benefits derived through that willful misrepresentation and
2 the recipient shall be further disqualified for benefits as
3 specified in subsection (a).

4 (3) If family and medical leave compensation is paid to
5 a covered employee erroneously or as a result of willful
6 misrepresentation by the employee, or if a claim for family
7 and medical leave compensation is rejected after compensation
8 is paid, the department may seek repayment of benefits from
9 the employee having received the compensation and may also,
10 in the case of willful misrepresentation, seek payment of a
11 penalty in the amount of 50% of the benefits paid as a result
12 of the misrepresentation. The department may waive, in whole
13 or in part, the amount of any of the payments if the recovery
14 would be against equity and good conscience.

15 (c) Proof of wages.--During the appeals process as
16 established under section 302(c), a covered employee's proof of
17 wages may be proven:

18 (1) as provided under section 303(c);

19 (2) by testimony of the employer that is presented under
20 oath at a hearing under section 505; or

21 (3) by testimony of the covered employee, if found
22 credible by the judge during a hearing under section 505.

23 Section 503. Elective coverage.

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

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

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

3 (3) Compliance with all eligibility, employment and
4 income requirements specified in section 303.

5 (b) Withdrawal from coverage.--A self-employed person who
6 has elected coverage may withdraw from coverage within 30 days
7 after the end of the three-year period of coverage, or at other
8 times as the department may prescribe. Upon filing written
9 notice with the department, the self-employed person's
10 withdrawal from coverage shall take effect no later than 30 days
11 after filing the notice of withdrawal.

12 Section 504. Violations.

13 An employer that violates the requirements of sections 308,
14 309 or 501 shall be subject to the penalties as specified in 29
15 U.S.C. § 2617 (relating to enforcement).

16 Section 505. Judicial review.

17 Judicial review of any decision regarding the denial of
18 benefits or an appeal of any violation of this act shall be
19 permitted in Commonwealth Court, as required under 42 Pa.C.S. §
20 763 (relating to direct appeals from government agencies), after
21 a party aggrieved thereby has exhausted all administrative
22 remedies established by the department.

23 Section 506. Family and Medical Leave Fund.

24 (a) Fund established.--The Family and Medical Leave Fund is
25 established in the State Treasury.

26 (b) Deposit of money.--Money from employee payroll
27 contributions paid under section 306 and any financial penalties
28 imposed under this act shall be deposited into the fund and used
29 by the department for the administration of the program and the
30 payment of benefits to covered individuals.

1 (c) Continuing appropriation.--All money deposited in the
2 fund and all interest accrued is appropriated to the department
3 on a continuing basis to administer the program, including the
4 outreach campaign under section 508(a), and provide benefits
5 under this act.

6 (d) Limitations on fund.--

7 (1) No administrative action shall prevent the deposit
8 of money into the fund in the fiscal year in which the money
9 is received.

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

13 (e) Other deposits.--The department may deposit into the
14 fund other money received for the purposes specified in this
15 act.

16 Section 507. Annual report.

17 (a) Annual report.--

18 (1) No later than September 1, 2029, and each September
19 1 thereafter, the department shall submit a report to the
20 chairperson and minority chairperson of the Labor and
21 Industry Committee of the Senate and the chairperson and
22 minority chairperson of the Labor and Industry Committee of
23 the House of Representatives.

24 (2) Each report under paragraph (1) shall include:

25 (i) Actual program participation by beneficiary
26 gender, including total number of leaves taken.

27 (ii) Beneficiary gender for leaves taken.

28 (iii) Types of family members for whom leave was
29 taken to provide care.

30 (iv) Payroll contribution rate calculations for the

1 current and previous calendar year and projected rate
2 calculations for the next three calendar years.

3 (v) Projected program participation over the next
4 three calendar years.

5 (vi) Account balances.

6 (vii) The scope and success of outreach efforts.

7 (viii) Recommendations for improvements to the
8 program.

9 (b) Public posting of annual report.--The department shall
10 make the report available on the department's publicly
11 accessible Internet website. Monthly data should also be made
12 available online.

13 Section 508. Public education.

14 (a) Outreach campaign.--

15 (1) The department shall conduct a public education
16 campaign to inform employees and employers regarding the
17 availability of family and medical leave benefits under this
18 act.

19 (2) The department shall allocate at least \$500,000 from
20 the fund annually to pay for a public education program that
21 informs employees about benefits and eligibility under this
22 act.

23 (3) Outreach information shall be available in English,
24 Spanish and other languages as determined by the department.

25 (b) Community outreach.--The department may utilize outreach
26 money to identify and assist appropriate community organizations
27 in educating hard-to-reach populations or industries, including
28 low-income employees, employees and employers in industries that
29 do not typically provide paid family leave and employees and
30 employers whose primary language is not English.

1 Section 509. Family and Medical Leave Advisory Board.

2 (a) Establishment.--The department shall establish the
3 Family and Medical Leave Advisory Board to assist in the
4 implementation of the program and ensure effective public
5 outreach regarding the availability of benefits under this act.

6 (b) Composition.--The board shall be composed of the
7 following:

8 (1) The secretary or a designee, who shall serve as the
9 chairperson.

10 (2) The State Treasurer or a designee.

11 (3) The Insurance Commissioner or a designee.

12 (4) The chairperson and minority chairperson of the
13 Labor and Industry Committee of the Senate or a designee.

14 (5) The chairperson and minority chairperson of the
15 Labor and Industry Committee of the House of Representatives
16 or a designee.

17 (6) Six members appointed by the secretary representing
18 an equal number of employers and employees who are residents
19 of and who work within this Commonwealth.

20 (c) Terms.--

21 (1) Members specified under subsection (b)(1), (2), (3),
22 (4) and (5) shall serve for the length of their tenure in the
23 capacity which enabled them to become members.

24 (2) Members specified under subsection (b)(6) shall
25 serve four-year terms and shall not be eligible to serve more
26 than two full consecutive terms.

27 (d) Quorum.--A majority of the members of the board
28 participating in person or by video conference shall constitute
29 a quorum.

30 (e) Meetings.--The board shall meet at the call of the chair

1 and shall hold meetings at least biannually.

2 (f) Public access.--The board shall permit the public to
3 view or listen to a board meeting through contemporaneous
4 methods and shall make the recordings available on the
5 department's publicly accessible Internet website.

6 (g) Expenses.--Members shall not receive compensation but
7 shall be reimbursed for actual expenses incurred in service of
8 the board.

9 Section 510. Regulations.

10 (a) Duty of department.--In addition to the necessary
11 regulations under sections 302(c) and 303(i), the department may
12 promulgate additional regulations as necessary to implement and
13 administer this act.

14 (b) Publication.--Proposed regulations shall be submitted to
15 the Legislative Reference Bureau for publication in the next
16 available issue of the Pennsylvania Bulletin, as required by the
17 act of July 31, 1968 (P.L.769, No.240), referred to as the
18 Commonwealth Documents Law, no later than one year after the
19 effective date of this section.

20 Section 511. Right of action.

21 (a) Civil action by employee.--An action to recover damages
22 or other appropriate civil or equitable relief for a violation
23 of section 308, 309 or 501 may be maintained against an employer
24 in a court of competent jurisdiction in the Commonwealth by one
25 or more employees.

26 (b) Fees and costs.--The court, in an action under this
27 section, shall, in addition to any judgment awarded to the
28 plaintiff, allow reasonable attorney fees and other costs of the
29 action to be paid by the defendant.

30 (c) Limitations.--An action brought by an employee under

1 subsection (a) shall terminate on the filing of a complaint by
2 the secretary in an action under subsection (d).

3 (d) Civil action by secretary.--The secretary may bring an
4 action in Commonwealth Court to recover damages and other
5 appropriate relief.

6 (e) Money recovered by secretary.--Any money recovered by
7 the secretary under subsection (d) shall be held in a special
8 deposit account and shall be paid directly to each employee
9 affected within 60 days of receipt.

10 CHAPTER 21

11 MISCELLANEOUS PROVISIONS

12 Section 2101. Effective date.

13 This act shall take effect in 180 days.