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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 64 Session of  
2023

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INTRODUCED BY TARTAGLIONE, KANE, BARTOLOTTA, HAYWOOD, HUGHES,  
BREWSTER, KEARNEY, FONTANA, SCHWANK, COLLETT, DILLON, STREET,  
COSTA, CAPPELLETTI, COMITTA AND SANTARSIERO, JANUARY 18, 2023

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REFERRED TO LABOR AND INDUSTRY, JANUARY 18, 2023

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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 29 U.S.C. Ch. 28  
14 (relating to family and medical leave).

15 "Employer." An employer in this Commonwealth that is subject  
16 to 29 U.S.C. Ch. 28.

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 29 U.S.C. Ch. 28 (relating  
10 to family and medical leave) to care for a spouse, son, daughter  
11 or parent, but only to care for the eligible employee's sibling,  
12 grandparent or grandchild, if the sibling, grandparent or  
13 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 29 U.S.C. Ch. 28.

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 29 U.S.C. Ch. 28.

27 (2) Leave must be taken in a minimum of one-week  
28 increments.

29 (3) Leave taken by an eligible employee under 29 U.S.C.  
30 Ch. 28 shall reduce an employee's leave entitlement in any

1 applicable 12-month period under this section, provided that  
2 leave taken by an employee in accordance with this section  
3 shall not reduce the employee's leave entitlement under 29  
4 U.S.C. Ch. 28.

5 (d) Employee notice of leave.--An employee shall provide  
6 written or verbal notice of the need to take leave under this  
7 section to the employer as soon as practicable.

8 (e) Medical certification.--

9 (1) An employer may require certification from a  
10 physician to verify terminal illness of an employee providing  
11 notice of the need to take leave under this section.

12 (2) The department shall develop a form that may be used  
13 to provide medical certification under this subsection.

14 (f) Employer posting.--An employer shall post and maintain  
15 in a conspicuous place a printed abstract, developed by the  
16 department, with the provisions of this act.

17 Section 4. Complaints.

18 An employee may file a complaint with the department on a  
19 form prescribed by the department if the employee:

20 (1) is denied leave;

21 (2) believes that the employee is entitled to that  
22 leave; and

23 (3) believes that the employer has violated section  
24 3(b).

25 Section 5. Administration.

26 The department has the following powers and duties:

27 (1) Provide the abstract for employer posting on the  
28 department's publicly accessible Internet website.

29 (2) Provide the medical certification form under section  
30 3(e)(2) on the department's publicly accessible Internet

1 website.

2 (3) Provide the employee complaint form on the  
3 department's publicly accessible Internet website.

4 (4) Develop procedures to investigate and resolve  
5 complaints.

6 (5) Promulgate regulations as necessary to administer  
7 this act.

8 Section 6. Funding.

9 The department shall not be required to enforce this act  
10 until adequate funding is appropriated. The Secretary of Labor  
11 and Industry shall determine if adequate funding is  
12 appropriated. Upon the appropriation of adequate funding, the  
13 Secretary of Labor and Industry shall transmit notice to the  
14 Legislative Reference Bureau for publication in the Pennsylvania  
15 Bulletin.

16 Section 7. Effective date.

17 This act shall take effect in 60 days.