

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 200 Session of 2025

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 24, 2026

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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12 ~~Section 302. Powers and duties of department.~~



1 ~~Section 102.— Legislative intent.~~

2 ~~The General Assembly finds and declares as follows:~~

3 ~~(1) Paid family and medical leave promotes the physical~~  
4 ~~and emotional health of children and their families.~~

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

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

10 ~~Section 103.— Definitions.~~

11 ~~The following words and phrases when used in this act shall~~  
12 ~~have the meanings given to them in this section unless the~~  
13 ~~context clearly indicates otherwise:~~

14 ~~"Abuse of a vulnerable adult." Includes any of the~~  
15 ~~following:~~

16 ~~(1) Forced, inappropriate use, or the threat of~~  
17 ~~inappropriate use, of medications or physical or chemical~~  
18 ~~restraints.~~

19 ~~(2) Misuse of power or authority granted to a person~~  
20 ~~through a power of attorney or by a court in a guardianship~~  
21 ~~or conservatorship proceeding that results in unreasonable~~  
22 ~~confinement or restriction of liberty.~~

23 ~~(3) Acts of violence against, or the taking,~~  
24 ~~transferring, concealing, harming or disposing of, an~~  
25 ~~emotional support or service animal owned, possessed or held~~  
26 ~~by a vulnerable adult.~~

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

30 ~~(5) An act or course of conduct by a caregiver against a~~

1 ~~vulnerable adult or a vulnerable adult's resources without~~  
2 ~~the informed consent of the vulnerable adult or with consent~~  
3 ~~obtained through misrepresentation, coercion or threats of~~  
4 ~~force, that results in monetary, personal or other benefit,~~  
5 ~~gain or profit for the perpetrator or monetary or personal~~  
6 ~~loss to the vulnerable adult.~~

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

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

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

17 ~~"Attesting third party." A disability service organization~~  
18 ~~manager or coordinator, caregiver agency coordinator or manager,~~  
19 ~~law enforcement official, licensed health care professional,~~  
20 ~~licensed social worker, victim advocate or victim service~~  
21 ~~provider.~~

22 ~~"Authorized reason for leave for a qualifying act of~~  
23 ~~violence." Any of the following:~~

24 ~~(1) To seek or obtain medical attention, rehabilitative~~  
25 ~~services, accessibility equipment or other treatment related~~  
26 ~~to a physical or mental injury or disability caused or~~  
27 ~~aggravated by the applicable qualifying act of violence.~~

28 ~~(2) To recover from a physical or mental injury or~~  
29 ~~disability caused or aggravated by the applicable qualifying~~  
30 ~~act of violence.~~

1           ~~(3) To seek or obtain services from a victim service~~  
2 ~~provider in relation to the applicable qualifying act of~~  
3 ~~violence.~~

4           ~~(4) To seek or obtain mental health treatment or other~~  
5 ~~counseling in relation to the applicable qualifying act of~~  
6 ~~violence.~~

7           ~~(5) To relocate or engage in the process of securing a~~  
8 ~~new residence due to the applicable qualifying act of~~  
9 ~~violence, including securing temporary or permanent housing~~  
10 ~~or enrolling children in a new school.~~

11           ~~(6) To seek or obtain financial services or meet with a~~  
12 ~~financial professional to address financial issues resulting~~  
13 ~~from the applicable qualifying act of violence.~~

14           ~~(7) To seek, obtain or provide child care or care to a~~  
15 ~~care dependent adult necessary as a result of the applicable~~  
16 ~~qualifying act of violence.~~

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

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

22           ~~(10) To make modifications to a home or vehicle~~  
23 ~~necessary to create usability of and accessibility to the~~  
24 ~~home or vehicle due to an injury sustained in a qualifying~~  
25 ~~act of violence.~~

26           ~~(11) To seek or obtain new caregiver services.~~

27           ~~(12) To take any other action necessary to protect or~~  
28 ~~restore physical, mental, emotional or economic well being as~~  
29 ~~a result of the applicable qualifying act of violence.~~

30           ~~"Benefits." The monetary allowances payable to a covered~~

1 ~~individual for family and medical leave during an approved~~  
2 ~~family and medical leave under the program in accordance with~~  
3 ~~this act.~~

4 ~~"Board." The Family and Medical Leave Advisory Board~~  
5 ~~established under section 509.~~

6 ~~"Claim." The filing of a written application with the~~  
7 ~~department for the receipt of benefits.~~

8 ~~"Covered individual." An employee, or a self employed person~~  
9 ~~who elects coverage in accordance with section 503, who meets~~  
10 ~~the following requirements, as applicable:~~

11 ~~(1) Is currently employed in this Commonwealth or was~~  
12 ~~previously employed in this Commonwealth within 120 days of~~  
13 ~~separation from employment.~~

14 ~~(2) Meets the employment and income eligibility~~  
15 ~~requirements specified in section 303.~~

16 ~~(3) Meets the requirements of this act as to the receipt~~  
17 ~~of benefits.~~

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

19 ~~"Covered service member." A current or former member of the~~  
20 ~~armed forces of the United States, including a current or former~~  
21 ~~member of a reserve component of the armed forces of the United~~  
22 ~~States or the Pennsylvania National Guard, who meets any of the~~  
23 ~~following requirements:~~

24 ~~(1) Is undergoing medical treatment, recuperation or~~  
25 ~~therapy.~~

26 ~~(2) Is otherwise in outpatient status.~~

27 ~~(3) Is on the temporary disability retired list for a~~  
28 ~~serious injury or illness incurred in the line of duty on~~  
29 ~~active duty in the armed forces of the United States or a~~  
30 ~~serious injury or illness that existed before the beginning~~

1 ~~of the member's active duty that was aggravated by service in~~  
2 ~~the line of duty on active duty in the armed forces of the~~  
3 ~~United States, a reserve component of the armed forces of the~~  
4 ~~United States or the Pennsylvania National Guard.~~

5 ~~"Department." The Department of Labor and Industry of the~~  
6 ~~Commonwealth.~~

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

10 ~~(1) Intentionally, knowingly or recklessly causing, or~~  
11 ~~attempting to cause, bodily injury, serious bodily injury or~~  
12 ~~sexual violence.~~

13 ~~(2) Placing another individual in reasonable fear of~~  
14 ~~imminent serious bodily harm.~~

15 ~~(3) An act of domestic and other violence as defined in~~  
16 ~~55 Pa. Code § 3042.3 (relating to definitions).~~

17 ~~(4) The infliction of false imprisonment under 18-~~  
18 ~~Pa.C.S. § 2903 (relating to false imprisonment).~~

19 ~~"Eligible employee." An employee who meets the requirements~~  
20 ~~of section 303(b)(1) and (2).~~

21 ~~"Employee." An individual who is employed by an employer~~  
22 ~~doing business in this Commonwealth. The term includes a self-~~  
23 ~~employed individual.~~

24 ~~"Employer." An employer as defined in section 103 of the~~  
25 ~~Workers' Compensation Act.~~

26 ~~"Family." Includes any of the following:~~

27 ~~(1) A biological child, adopted or foster child,~~  
28 ~~stepchild or legal ward, a child of a domestic partner or a~~  
29 ~~child to whom an employee stands in loco parentis, regardless~~  
30 ~~of age.~~

1           ~~(2) A biological parent, foster parent, stepparent or~~  
2           ~~adoptive parent or legal guardian of an employee or an~~  
3           ~~employee's spouse or domestic partner or an individual who~~  
4           ~~stood in loco parentis when the employee or the employee's~~  
5           ~~spouse or domestic partner was a minor child.~~

6           ~~(3) An individual to whom the employee is legally~~  
7           ~~married under the laws of any state or a domestic partner of~~  
8           ~~an employee as registered under the laws of any state or~~  
9           ~~political subdivision.~~

10           ~~(4) A grandparent, grandchild or sibling whether of a~~  
11           ~~biological, foster, adoptive or step relationship, of the~~  
12           ~~employee or the employee's spouse or domestic partner.~~

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

20           ~~"Family and medical leave." Benefits approved and payable to~~  
21           ~~covered individuals under the program.~~

22           ~~"Fund." The Family and Medical Leave Fund established under~~  
23           ~~section 506.~~

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

1 ~~care services.~~

2 ~~"Leave." The allotted amount of time approved by the~~  
3 ~~department for the receipt of benefits under this act.~~

4 ~~"Medical certification." Written certification from a health~~  
5 ~~care provider on a form prepared by the department that verifies~~  
6 ~~a serious health condition prompting the filing of a claim and~~  
7 ~~receipt of benefits by a covered individual under this act.~~

8 ~~"Program." The Family and Medical Leave Program established~~  
9 ~~under section 301.~~

10 ~~"Qualifying act of violence." An act, conduct or pattern of~~  
11 ~~conduct that could constitute any of the following, regardless~~  
12 ~~of whether anyone is arrested or charged with committing a~~  
13 ~~crime:~~

14 ~~(1) Domestic violence.~~

15 ~~(2) Sexual violence.~~

16 ~~(3) Stalking.~~

17 ~~(4) Abuse of a vulnerable adult.~~

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

24 ~~(i) intended to cause, or intended to threaten to~~  
25 ~~cause, physical or mental injury; or~~

26 ~~(ii) was under the influence of alcohol or a~~  
27 ~~controlled substance.~~

28 ~~(6) An act or conduct in which a person makes a~~  
29 ~~reasonably perceived or actual threat of physical or mental~~  
30 ~~injury to another. For purposes of this paragraph, the act or~~

1 ~~conduct does not include an act or conduct arising out of the~~  
2 ~~ownership, maintenance or use of a motor vehicle, except when~~  
3 ~~the person engaging in the act or conduct:~~

4 ~~(i) intended to cause, or intended to threaten to~~  
5 ~~cause, physical or mental injury; or~~

6 ~~(ii) was under the influence of alcohol or a~~  
7 ~~controlled substance.~~

8 ~~"Qualifying exigency leave." Leave for the family member of~~  
9 ~~a military member deployed at home or abroad for the purposes~~  
10 ~~specified in 29 CFR 825.126 (relating to leave because of a~~  
11 ~~qualifying exigency).~~

12 ~~"Retaliatory personnel action." As follows:~~

13 ~~(1) Any threat, discipline, discharge, suspension,~~  
14 ~~demotion, reduction of hours or other adverse action taken~~  
15 ~~against an employee for exercising the rights and protections~~  
16 ~~afforded by this act.~~

17 ~~(2) The term includes interference with or punishment~~  
18 ~~for participating in or acting on a complaint or appeal under~~  
19 ~~this act.~~

20 ~~"Secretary." The Secretary of Labor and Industry of the~~  
21 ~~Commonwealth.~~

22 ~~"Serious health condition." An illness, injury, impairment,~~  
23 ~~pregnancy, recovery from childbirth or physical or mental~~  
24 ~~condition as defined in 29 U.S.C. § 2611(11) (relating to~~  
25 ~~definitions).~~

26 ~~"Sexual violence." As defined in 42 Pa.C.S. § 62A03~~  
27 ~~(relating to definitions).~~

28 ~~"Stalking." Conduct in which an individual does any of the~~  
29 ~~following:~~

30 ~~(1) Engages in a course of conduct or repeatedly commits~~

1 ~~acts toward another individual, including following the other~~  
2 ~~individual without proper authority:~~

3 ~~(i) under circumstances which demonstrate either an~~  
4 ~~intent to place the other individual in reasonable fear~~  
5 ~~of bodily injury or to cause substantial emotional~~  
6 ~~distress to the other individual; or~~

7 ~~(ii) which, as a result, intentionally, knowingly or~~  
8 ~~recklessly places the other individual in reasonable fear~~  
9 ~~of bodily injury or causes substantial emotional distress~~  
10 ~~to the other individual.~~

11 ~~(2) Engages in a course of conduct or repeatedly~~  
12 ~~communicates to another individual:~~

13 ~~(i) under circumstances which demonstrate or~~  
14 ~~communicate either an intent to place the other~~  
15 ~~individual in reasonable fear of bodily injury or to~~  
16 ~~cause substantial emotional distress to the other~~  
17 ~~individual; or~~

18 ~~(ii) which, as a result, intentionally, knowingly or~~  
19 ~~recklessly places the other individual in reasonable fear~~  
20 ~~of bodily injury or causes substantial emotional distress~~  
21 ~~to the other individual.~~

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

27 ~~"Unemployment Compensation Law." The act of December 5, 1936~~  
28 ~~(2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment~~  
29 ~~Compensation Law.~~

30 ~~"Victim." Any of the following:~~

1           ~~(1) An individual against whom a qualifying act of~~  
2 ~~violence was committed.~~

3           ~~(2) An individual who was physically present at the~~  
4 ~~scene of a qualifying act of violence and witnessed the~~  
5 ~~qualifying act of violence, who did not commit the qualifying~~  
6 ~~act of violence and who as a direct result:~~

7                 ~~(i) suffers physical or mental injury; or~~

8                 ~~(ii) reasonably believes that the individual is~~  
9 ~~under the threat of physical harm.~~

10         ~~"Victim advocate." An individual, whether paid or serving as~~  
11 ~~a volunteer, who provides services to victims under the auspices~~  
12 ~~or supervision of a victim service provider, a court or law~~  
13 ~~enforcement or prosecution agency.~~

14         ~~"Victim service provider." As follows:~~

15           ~~(1) An agency or organization that provides services to~~  
16 ~~victims.~~

17           ~~(2) The term includes:~~

18                 ~~(i) A rape crisis center as defined in 42 Pa.C.S. §~~  
19 ~~5945.1(a) (relating to confidential communications with~~  
20 ~~sexual assault counselors).~~

21                 ~~(ii) A domestic violence program as defined in 23-~~  
22 ~~Pa.C.S. § 6102(a).~~

23                 ~~(iii) An agency or organization with a documented~~  
24 ~~history of providing services to victims.~~

25         ~~"Vulnerable adult." An individual who is at least 18 years~~  
26 ~~of age or older, is reliant on a caregiver and is unable to~~  
27 ~~protect theirselves from abuse, neglect or exploitation by others~~  
28 ~~because of a disability or impairment.~~

29         ~~"Workers' Compensation Act." The act of June 2, 1915-~~  
30 ~~(P.L.736, No.338), known as the Workers' Compensation Act.~~

CHAPTER 3

~~FAMILY AND MEDICAL LEAVE PROGRAM~~

~~Section 301. Family and Medical Leave Program.~~

~~(a) Establishment of program and payment of benefits.~~

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

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

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

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

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

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

1 ~~(f) Cooperation among departments. To properly effectuate~~  
2 ~~the provisions of this act, all departments and agencies under~~  
3 ~~the jurisdiction of the Governor shall fully cooperate with the~~  
4 ~~department and provide assistance and support as needed to~~  
5 ~~ensure the timely and efficient delivery of benefits under this~~  
6 ~~act.~~

7 ~~Section 302. Powers and duties of department.~~

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

15 ~~(b) Powers and duties. To fulfill its responsibilities~~  
16 ~~under this act, the department shall have the following powers~~  
17 ~~and duties:~~

18 ~~(1) Calculate and set the amount of benefits payable to~~  
19 ~~a covered individual as specified in section 305 initially~~  
20 ~~and on an annual basis thereafter.~~

21 ~~(2) Provide information to employees and employers on~~  
22 ~~the amount to be deducted as employee payroll contributions~~  
23 ~~as specified in section 306 initially and every year~~  
24 ~~thereafter.~~

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

30 ~~(4) Prepare and provide the medical certification form~~

1 ~~referenced in section 303(f) on the department's publicly~~  
2 ~~accessible Internet website.~~

3 ~~(5) Prepare and provide the necessary forms for filing~~  
4 ~~and acknowledging a benefits claim and for providing notice~~  
5 ~~of benefits approval to both employers and covered individual~~  
6 ~~employees.~~

7 ~~(6) Evaluate and adjudicate claims.~~

8 ~~(7) Evaluate and determine the amount of payroll~~  
9 ~~contributions and maximum employee contributions to ensure~~  
10 ~~fund solvency.~~

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

13 ~~(9) Make payments on claims.~~

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

17 ~~(11) Prepare and provide the employee complaint form on~~  
18 ~~the department's publicly accessible Internet website.~~

19 ~~(12) Develop all forms necessary to ensure~~  
20 ~~implementation of this act.~~

21 ~~(13) Develop procedures to investigate and resolve~~  
22 ~~complaints under this act.~~

23 ~~(14) Conduct an ongoing public outreach campaign to~~  
24 ~~inform employers and employees about the availability of the~~  
25 ~~program and the process for filing a benefits claim.~~

26 ~~(15) Promulgate regulations as necessary to administer~~  
27 ~~this act.~~

28 ~~(16) Issue an annual report under section 507.~~

29 ~~(c) Enforcement of act. The secretary shall establish a~~  
30 ~~system for an administrative complaint and appeals process in~~

~~1 the case of a denial of family and medical leave benefits,  
2 denial of a waiver under section 310, denial of family and  
3 medical leave benefits provided through a private plan under  
4 section 310 and all violations assessed under this act. The  
5 system for administrative complaints and appeals process shall  
6 be promulgated by the department through regulation. Procedures  
7 to ensure confidentiality of all information related to any  
8 claims filed or appeals taken shall be implemented in accordance  
9 with applicable laws.~~

~~10 Section 303. Eligibility for family and medical leave benefits.~~

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

~~16 (1) Because of birth, adoption or placement through  
17 foster care, is caring for a new child during the first year  
18 after the birth, adoption or placement of that child.~~

~~19 (2) Is caring for a family member with a serious health  
20 condition.~~

~~21 (3) Has a serious health condition, including pregnancy,  
22 that renders the covered individual unable to perform the  
23 functions of the individual's position.~~

~~24 (4) In a declared public health emergency, is caring for  
25 a family member with a serious health condition.~~

~~26 (5) Is caring for a family member who is a covered  
27 service member due to a qualifying exigency leave in  
28 accordance with the terms of 29 U.S.C. Ch. 28 (relating to  
29 family and medical leave).~~

~~30 (6) Is a victim of a qualifying act of violence or has~~

~~1 eared for or is caring for a family member who is a victim of  
2 a qualifying act of violence and is taking leave for an  
3 authorized reason for leave for a qualifying act of violence.~~

~~4 (b) Employment and income eligibility requirements. To be  
5 eligible to file a benefits claim, a covered individual must:~~

~~6 (1) Have worked at least 18 weeks during the 12 month  
7 period prior to submitting a claim.~~

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

~~13 (3) Not be employed by an employer that has been issued  
14 a waiver under section 310.~~

~~15 (c) Proof of wages. The fund shall not be liable for  
16 payment of benefits unless the amount of wages that the covered  
17 individual earned at the time of their leave is calculated under  
18 section 305(a)(2) or under this subsection. If a discrepancy is  
19 identified by the department in verifying wages under section  
20 305(a)(2), the department may request the following documents  
21 from a covered individual to verify their wages:~~

~~22 (1) A check, check stub or payroll record.~~

~~23 (2) A tax return, including IRS form W 2 and form 1099,  
24 or successor forms.~~

~~25 (3) Unemployment compensation records, including form  
26 UC-2A.~~

~~27 (4) Bank statements or records showing regular and  
28 recurring deposits.~~

~~29 (5) Written documentation created contemporaneously with  
30 the payment of wages.~~

1 ~~(d) Interaction with the Workers' Compensation Act and the~~  
2 ~~Unemployment Compensation Law. To file a benefits claim and~~  
3 ~~receive benefits under this act, a covered individual may not~~  
4 ~~receive benefits for the same day under the Workers'~~  
5 ~~Compensation Act or the Unemployment Compensation Law.~~

6 ~~(e) Filing of benefits claim. An individual seeking~~  
7 ~~benefits under this act must submit a claim to the department~~  
8 ~~providing the required documentation to support a claim for~~  
9 ~~benefits, including any necessary medical certification or~~  
10 ~~qualifying act of violence certification.~~

11 ~~(f) Medical certification.~~

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

22 ~~(2) Confidential medical documentation may not be~~  
23 ~~released by the department unless written authorization is~~  
24 ~~provided by an employee or a covered individual.~~

25 ~~(g) Qualifying act of violence certification.~~

26 ~~(1) The department may require that an employee, within~~  
27 ~~a reasonable period after the absence, provide documentation~~  
28 ~~that the employee or family member of the employee is a~~  
29 ~~victim of a qualifying act of violence.~~

30 ~~(2) The employee may satisfy the certification~~

1 ~~requirement by providing to the department any of the~~  
2 ~~following:~~

3 ~~(i) A copy of a valid court order that restrains the~~  
4 ~~person alleged to have committed the qualifying act of~~  
5 ~~violence from contact with the employee or family member~~  
6 ~~of the employee.~~

7 ~~(ii) Medical or mental health records indicating~~  
8 ~~that the employee or family member of the employee is a~~  
9 ~~victim of a qualifying act of violence.~~

10 ~~(iii) A police report documenting the act of which~~  
11 ~~the employee or family member of the employee is a victim~~  
12 ~~of a qualifying act of violence.~~

13 ~~(iv) Evidence that the person alleged to have~~  
14 ~~committed the qualifying act of violence has been charged~~  
15 ~~with or convicted of an act of which the employee or~~  
16 ~~family member of the employee is a victim.~~

17 ~~(v) A written certification signed by an attesting~~  
18 ~~third party that affirms that the employee or family~~  
19 ~~member of the employee is a victim of a qualifying act of~~  
20 ~~violence.~~

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

27 ~~(3) Furnishing documentation or providing a~~  
28 ~~certification under this subsection is not a waiver of any~~  
29 ~~confidentiality or privilege that may exist between the~~  
30 ~~employee or victim and an attesting third party.~~

1 ~~(4) The department may not require:~~

2 ~~(i) That the employee provide a certification that~~  
3 ~~explains the details of the qualifying act of violence.~~

4 ~~(ii) Disclosure of details relating to a qualifying~~  
5 ~~act of violence or the details of the medical condition~~  
6 ~~of the employee or family member of the employee as a~~  
7 ~~condition of providing leave under this act.~~

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

11 ~~(i) requested or consented to in writing by the~~  
12 ~~employee; or~~

13 ~~(ii) otherwise required by applicable Federal or~~  
14 ~~State law, in which case the department shall provide the~~  
15 ~~employee notice prior to any authorized disclosure.~~

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

21 ~~(i) Promulgating regulations. The department shall~~  
22 ~~promulgate regulations to provide for an eligibility~~  
23 ~~adjudication process under this act.~~

24 ~~(j) Adjudication of claim. Upon receipt of all necessary~~  
25 ~~documentation to support a claim for benefits from a covered~~  
26 ~~individual, the department shall determine eligibility for~~  
27 ~~benefits under this act within 20 business days.~~

28 ~~Section 304. Duration of benefits.~~

29 ~~(a) Maximum leave duration of 20 weeks. The maximum number~~  
30 ~~of weeks during which benefits are payable under section 303(a)~~

1 ~~(1), (3) or (6) in an application year is 20 weeks.~~

2 ~~(b) Maximum leave duration of 12 weeks. The maximum number~~  
3 ~~of weeks during which benefits are payable under section 303(a)~~  
4 ~~(2), (4) or (5) in an application year is 12 weeks.~~

5 ~~(c) Total maximum duration. The duration of leave under~~  
6 ~~subsections (a) and (b) combined may not exceed a total number~~  
7 ~~of 20 weeks in any one application year regardless of reason.~~

8 ~~(d) Initial payment of benefits. The first payment of~~  
9 ~~benefits shall be made to a covered individual no later than one~~  
10 ~~week:~~

11 ~~(1) after the claim is filed and approved by the~~  
12 ~~department; or~~

13 ~~(2) from the date the leave is scheduled to commence.~~

14 ~~(e) Payment of benefits. After the initial payment of~~  
15 ~~benefits, subsequent payments shall be made semimonthly for the~~  
16 ~~duration of the approved leave.~~

17 ~~Section 305. Amount of benefits.~~

18 ~~(a) Calculation of benefits.~~

19 ~~(1) The benefits payable to a covered individual shall~~  
20 ~~be calculated as follows:~~

21 ~~(i) the portion of a covered individual's average~~  
22 ~~weekly wage that is equal to or less than 50% of the~~  
23 ~~Statewide average weekly wage shall be replaced at a rate~~  
24 ~~of 90%; and~~

25 ~~(ii) the portion of a covered individual's average~~  
26 ~~weekly wage that exceeds 50% of the Statewide average~~  
27 ~~weekly wage shall be replaced at a rate of 50%.~~

28 ~~(2) The calculation of a covered individual's average~~  
29 ~~weekly wage in accordance with this subsection shall be as~~  
30 ~~follows:~~

1           ~~(i) If at the time the leave commences the wages are~~  
2 ~~fixed by the week, the amount so fixed shall be the~~  
3 ~~average weekly wage.~~

4           ~~(ii) If at the time the leave commences the wages~~  
5 ~~are fixed by the month, the average weekly wage shall be~~  
6 ~~the monthly wage so fixed multiplied by 12 and divided by~~  
7 ~~52.~~

8           ~~(iii) If at the time the leave commences the wages~~  
9 ~~are fixed by the year, the average weekly wage shall be~~  
10 ~~the yearly wage fixed divided by 52.~~

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

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

28           ~~(vi) If the employee has worked less than a complete~~  
29 ~~period of 13 calendar weeks and does not have fixed~~  
30 ~~weekly wages, the average weekly wage shall be the hourly~~

1 ~~wage rate multiplied by the number of hours the employee~~  
2 ~~was expected to work per week under the terms of~~  
3 ~~employment.~~

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

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

1 ~~any other plan for the benefit of the employee or their~~  
2 ~~dependents.~~

3 ~~(ix) The amount of any bonus, incentive or vacation~~  
4 ~~payment earned on an annual basis shall be excluded from~~  
5 ~~the calculations under subparagraphs (i), (ii), (iii),~~  
6 ~~(iv), (v) and (vi). Such payments, if any, shall instead~~  
7 ~~be divided by 52 and the amount shall be added to the~~  
8 ~~average weekly wage otherwise calculated under~~  
9 ~~subparagraphs (i), (ii), (iii), (iv), (v) and (vi). If~~  
10 ~~the employee is working under concurrent contracts with~~  
11 ~~two or more employers, the wages from all employers shall~~  
12 ~~be considered as if earned from the employer liable for~~  
13 ~~compensation.~~

14 ~~(b) Limitation.~~

15 ~~(1) In no case shall the weekly benefits payable to a~~  
16 ~~covered individual be more than the Statewide average weekly~~  
17 ~~wage.~~

18 ~~(2) The application of the Statewide average weekly wage~~  
19 ~~on a claim shall begin on the date that a birth or serious~~  
20 ~~health condition arises.~~

21 ~~(3) If a claim carries over from one year into another~~  
22 ~~and the Statewide average weekly wage is adjusted, the most~~  
23 ~~recent Statewide average weekly wage shall be used in all~~  
24 ~~future payments.~~

25 ~~(c) Adjustment of benefits calculation. The department~~  
26 ~~shall adjust the maximum family and medical leave benefit cap~~  
27 ~~established in subsection (a) annually based on the Statewide~~  
28 ~~average weekly wage and shall transmit notice of the revised~~  
29 ~~family and medical leave benefit rates to the Legislative~~  
30 ~~Reference Bureau for publication in the next available issue of~~

1 ~~the Pennsylvania Bulletin on an annual basis.~~

2 ~~(d) Limit on taking of benefits and nonsequential leave.~~

3 ~~Under this section and section 307, benefits are not payable for~~  
4 ~~less than eight hours of leave taken in one work week.~~

5 ~~Section 306. Contributions.~~

6 ~~(a) Payment into the program. All persons employed in this~~  
7 ~~Commonwealth shall contribute to the program for the purpose of~~  
8 ~~financing the program.~~

9 ~~(b) Commencement of payroll contributions. Payroll~~  
10 ~~contributions into the fund for the purpose of financing the~~  
11 ~~program shall commence at least one year prior to the payment of~~  
12 ~~benefits from the fund to covered individuals.~~

13 ~~(c) Calculation of payroll contributions.~~

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

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

22 ~~(3) When necessary, but at least every year thereafter,~~  
23 ~~the department shall evaluate and determine the amount of~~  
24 ~~payroll contributions and maximum employee contribution~~  
25 ~~necessary to finance and adequately support the program.~~

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

28 ~~(5) An employer may deduct up to 50% of the contribution~~  
29 ~~required for an employee by this section from that employee's~~  
30 ~~wages and shall remit 100% of the contribution required by~~

1 ~~this section from both the employer and those employees to~~  
2 ~~the fund, as follows:~~

3 ~~(i) An employer with fewer than 15 employees may~~  
4 ~~deduct up to 50% of the contribution required for an~~  
5 ~~employee by this section from that employee's wages and~~  
6 ~~shall remit 50% of the contribution required by this~~  
7 ~~section to the fund.~~

8 ~~(ii) To determine an employer's number of employees~~  
9 ~~under this subsection, all of an employer's employees~~  
10 ~~shall be counted, including full time, part time and~~  
11 ~~temporary in State employees and all out of State~~  
12 ~~employees.~~

13 ~~(d) Notification to employers. The department shall notify~~  
14 ~~the Department of Revenue to advise employers of the amount~~  
15 ~~payable through employee payroll contributions.~~

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

23 ~~Section 307. Reduced leave schedule.~~

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

1 ~~(b) Impact on duration of leave. Nonsequential leave taken~~  
2 ~~under this section may not result in a reduction in the total~~  
3 ~~amount of family and medical leave to which a covered individual~~  
4 ~~is entitled beyond the amount of leave actually taken.~~

5 ~~(c) Total amount of leave allowed. Nothing in this section~~  
6 ~~shall be construed to enable a covered individual to take more~~  
7 ~~leave than allowed under section 304.~~

8 ~~Section 308. Employment protections.~~

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

16 ~~(b) Health care benefits maintained.~~

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

23 ~~(2) A covered individual shall continue to pay the~~  
24 ~~covered individual's share of the cost of health benefits as~~  
25 ~~required prior to the commencement of the leave.~~

26 ~~(c) Interference with benefits. It shall be unlawful for an~~  
27 ~~employer or any other person to interfere with, restrain or deny~~  
28 ~~the exercise of, or the attempt to exercise, a protection~~  
29 ~~afforded under this act.~~

30 ~~(d) Retaliation prohibited. An employer, temporary help~~

1 ~~company, employment agency, employee organization or other~~  
2 ~~person may not take retaliatory personnel action or otherwise~~  
3 ~~discriminate against a person because the person took action in~~  
4 ~~accordance with this act, including:~~

5 ~~(1) Applying for or using benefits or taking leave under~~  
6 ~~this act.~~

7 ~~(2) Communicating to the employer or another person or~~  
8 ~~entity an intent to file and act on a claim, a complaint or~~  
9 ~~an appeal with the department or a court of competent~~  
10 ~~jurisdiction.~~

11 ~~(c) Consideration of absence. It shall be unlawful for an~~  
12 ~~employer to count leave taken under this act as an absence that~~  
13 ~~may lead to or result in a retaliatory personnel action.~~

14 ~~(f) Good faith protection. Protections under this section~~  
15 ~~shall apply to a person who mistakenly but in good faith alleges~~  
16 ~~a violation of this act.~~

17 ~~Section 309. Coordination of benefits.~~

18 ~~(a) Leave concurrent with Federal law. Leave taken under~~  
19 ~~this act that also qualifies as leave under 29 U.S.C. Ch. 28~~  
20 ~~(relating to family and medical leave) shall run concurrently~~  
21 ~~with leave taken under 29 U.S.C. Ch. 28.~~

22 ~~(b) Coordination with other paid leave.~~

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

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

1 ~~(c) Employer's obligation. This act does not diminish an~~  
2 ~~employer's obligation to comply with any of the following that~~  
3 ~~provides more generous leave:~~

4 ~~(1) A collective bargaining agreement.~~

5 ~~(2) An employer policy.~~

6 ~~(3) Any other Federal or State law.~~

7 ~~(d) Prohibition on subsequent collective bargaining~~  
8 ~~agreement or employer policy.~~

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

14 ~~(2) An agreement by an individual to waive the~~  
15 ~~individual's rights under this act is void as against public~~  
16 ~~policy.~~

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

20 ~~(f) Impact on Public Employe Relations Act. Nothing in this~~  
21 ~~act shall be construed to supersede or preempt:~~

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

26 ~~(2) any provision of a collective bargaining agreement~~  
27 ~~negotiated between an employer and an exclusive~~  
28 ~~representative of the employees in accordance with the Public~~  
29 ~~Employe Relations Act.~~

30 ~~Section 310. Employer waiver to use private plan.~~

1 ~~(a) Waiver.~~

2 ~~(1) An employer may apply to the department for a waiver~~  
3 ~~to meet the employer's obligations under this chapter through~~  
4 ~~a private plan. The application must be submitted on a form~~  
5 ~~and in a manner prescribed by the department.~~

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

8 ~~(i) a private plan confers at least all of the same~~  
9 ~~rights, protections and benefits provided to employees~~  
10 ~~under this chapter; and~~

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

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

21 ~~(i) Benefits to a covered individual under section~~  
22 ~~303(a)(1), (3) and (6) for the maximum number of weeks~~  
23 ~~required under section 304(a) in a benefit year.~~

24 ~~(ii) Benefits to a covered individual under section~~  
25 ~~303(a)(2), (4) and (5) for the maximum number of weeks~~  
26 ~~required under section 304(b) in a benefit year.~~

27 ~~(iii) Covered individuals, in the aggregate, the~~  
28 ~~maximum number of weeks of benefits in a benefit year as~~  
29 ~~required under section 304(c).~~

30 ~~(iv) A weekly wage replacement rate for each week of~~

1 ~~benefits of the amount required by section 305(a).~~

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

4 ~~(vi) Payment of benefits in accordance with section~~  
5 ~~303(f) and (i).~~

6 ~~(vii) The allowance of leave and benefits to be~~  
7 ~~taken intermittently or on a reduced schedule as~~  
8 ~~authorized by section 307.~~

9 ~~(viii) For the adjustment of the maximum benefit cap~~  
10 ~~in accordance with the notice published annually in the~~  
11 ~~Pennsylvania Bulletin under section 305(c).~~

12 ~~(ix) That no additional conditions or restrictions~~  
13 ~~on the use of leave or benefits beyond those explicitly~~  
14 ~~authorized by this act or regulations promulgated under~~  
15 ~~this act shall be imposed.~~

16 ~~(x) An employee who is covered under the private~~  
17 ~~plan and eligible to receive benefits under this act, is~~  
18 ~~provided the benefits under the private plan.~~

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

24 ~~(xii) Eligibility requirements under section 303(b)~~  
25 ~~(1) and (2).~~

26 ~~(b) Construction. Nothing in this act shall prohibit an~~  
27 ~~employer from providing benefits greater than those listed in~~  
28 ~~subsection (a).~~

29 ~~(c) Additional employer duties. To be eligible for a waiver~~  
30 ~~under subsection (a), an employer shall meet all of the~~

1 following requirements:

2 ~~(1) If the private plan is in the form of self-funded~~  
3 ~~coverage, an employer must furnish a bond running to the~~  
4 ~~Commonwealth, issued by an entity authorized to transact~~  
5 ~~surety business in this Commonwealth under Article VI(e) of~~  
6 ~~the act of May 17, 1921 (P.L.682, No.284), known as The~~  
7 ~~Insurance Company Law of 1921. The form of surety shall be on~~  
8 ~~a form approved by the Insurance Department and in an amount~~  
9 ~~required by the department.~~

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

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

17 ~~(d) Additional documentation to be submitted upon~~  
18 ~~approval. Upon approval of an application for an exemption:~~

19 ~~(1) The employer shall provide to the department all~~  
20 ~~reports required by regulations promulgated by the~~  
21 ~~department.~~

22 ~~(2) If an exemption is based on the employer having a~~  
23 ~~self-funded plan, the employer shall provide satisfactory~~  
24 ~~evidence of maintenance of the form of surety as required by~~  
25 ~~the department under subsection (c) (1).~~

26 ~~(e) Termination of waiver. The department may terminate~~  
27 ~~approval to use a private plan granted under subsection (a) if~~  
28 ~~the secretary finds that the terms and conditions have been~~  
29 ~~violated or that the employer or private plan has failed to~~  
30 ~~confer any right, protection or benefit afforded to employees~~

1 ~~under this chapter. The department shall notify an employer of a~~  
2 ~~terminated waiver. Causes for termination of a waiver shall~~  
3 ~~include:~~

4 ~~(1) failure to pay benefits;~~

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

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

8 ~~(4) misuse of private plan trust funds;~~

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

11 ~~(6) failure to comply with this section or regulations~~  
12 ~~promulgated by the department.~~

13 ~~(f) Appeal. If the secretary terminates a waiver for a~~  
14 ~~private plan under subsection (e), the employer shall have the~~  
15 ~~ability to appeal the decision of the secretary through the~~  
16 ~~regulatory process established under section 302.~~

17 ~~(g) Protections and enforcement.~~

18 ~~(1) An employee covered under a private plan shall~~  
19 ~~retain all employee protections under section 308 and~~  
20 ~~enforcement procedures and the appeals process under section~~  
21 ~~302(e).~~

22 ~~(2) Applicable enforcement procedures and the appeals~~  
23 ~~process for benefits by an employer funded plan shall be~~  
24 ~~subject to an appeal under section 302(e).~~

25 ~~(3) Applicable enforcement procedures and the appeals~~  
26 ~~process for benefits by an insurance policy shall be subject~~  
27 ~~to review as outlined in the policy of insurance and~~  
28 ~~applicable insurance law.~~

29 ~~(4) If all appeals under the policy of insurance have~~  
30 ~~been exhausted, an individual may appeal to the department on~~

1 ~~a form and in a manner prescribed by the department.~~

2 CHAPTER 5

3 ADMINISTRATION AND PROCEDURES

4 Section 501. Notice.

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

11 ~~(b) Employer acknowledgment of leave request. Using the~~  
12 ~~form prepared by the department under section 302, an employer~~  
13 ~~shall provide written acknowledgment to an employee when the~~  
14 ~~employee requests leave under this act. The acknowledgment shall~~  
15 ~~include:~~

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

18 ~~(2) The amount of benefits.~~

19 ~~(3) The procedure for filing a benefits claim with the~~  
20 ~~department.~~

21 ~~(4) Provisions on job protection and benefits~~  
22 ~~continuation under section 308.~~

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

26 ~~(6) The employee's ability to file a complaint alleging~~  
27 ~~a violation of this act.~~

28 ~~(c) Public display of notice. Using the abstract for~~  
29 ~~employer posting available on the department's publicly~~  
30 ~~accessible Internet website, an employer shall display and~~

1 ~~maintain a poster in a conspicuous place accessible to employees~~  
2 ~~at the employer's place of business that contains the~~  
3 ~~information required by this section in English and Spanish,~~  
4 ~~with consideration to the inclusion of other significant~~  
5 ~~languages spoken in the workplace.~~

6 ~~(d) Employee notice to employer.—~~

7 ~~(1) When the need for leave is known to the employee at~~  
8 ~~least 30 days in advance, the employee shall provide written~~  
9 ~~or verbal notice to the employer of the need and schedule for~~  
10 ~~taking leave at least 30 days prior to taking leave.~~

11 ~~(2) The employee shall make a reasonable effort to~~  
12 ~~schedule leave in a manner that does not unduly disrupt the~~  
13 ~~operations of the employer.~~

14 ~~(3) For all other absences, the employee shall notify~~  
15 ~~the employer as soon as practicable, including if the need~~  
16 ~~arises immediately before or after the employee has reported~~  
17 ~~for work.~~

18 ~~Section 502. Erroneous payments and disqualification for~~  
19 ~~benefits.~~

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

26 ~~(b) Incorrect payment of benefits.—~~

27 ~~(1) If benefits under this act are paid erroneously~~  
28 ~~without fault or for a claim that is subsequently rejected~~  
29 ~~after benefits are paid, the department may seek repayment~~  
30 ~~through a reasonable reduction in any future benefits due the~~

1 recipient.

2 ~~(2) If benefits under this act are paid as a result of~~  
3 ~~willful misrepresentation by the recipient, the recipient~~  
4 ~~shall be liable to repay a sum equal to the amount of~~  
5 ~~benefits derived through that willful misrepresentation and~~  
6 ~~the recipient shall be further disqualified for benefits as~~  
7 ~~specified in subsection (a).~~

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

19 ~~(c) Proof of wages. During the appeals process as~~  
20 ~~established under section 302(c), a covered employee's proof of~~  
21 ~~wages may be proven:~~

22 ~~(1) as provided under section 303(c);~~

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

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

27 ~~Section 503. Elective coverage.~~

28 ~~(a) Self employed option. A self employed person, including~~  
29 ~~a sole proprietor, partner or participant in a joint venture,~~  
30 ~~may elect coverage under this act for an initial period of not~~

1 ~~less than three years upon meeting all of the following~~  
2 ~~requirements:~~

3 ~~(1) Filing a notice of election in writing with the~~  
4 ~~department, effective on the date of filing the notice.~~

5 ~~(2) Supplying all income information that the department~~  
6 ~~deems necessary.~~

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

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

16 ~~Section 504. Violations.~~

17 ~~An employer that violates the requirements of sections 308,~~  
18 ~~309 or 501 shall be subject to the penalties as specified in 29~~  
19 ~~U.S.C. § 2617 (relating to enforcement).~~

20 ~~Section 505. Judicial review.~~

21 ~~Judicial review of any decision regarding the denial of~~  
22 ~~benefits or an appeal of any violation of this act shall be~~  
23 ~~permitted in Commonwealth Court, as required under 42 Pa.C.S. §~~  
24 ~~763 (relating to direct appeals from government agencies), after~~  
25 ~~a party aggrieved thereby has exhausted all administrative~~  
26 ~~remedies established by the department.~~

27 ~~Section 506. Family and Medical Leave Fund.~~

28 ~~(a) Fund established. The Family and Medical Leave Fund is~~  
29 ~~established in the State Treasury.~~

30 ~~(b) Deposit of money. Money from employee payroll~~

1 ~~contributions paid under section 306 and any financial penalties~~  
2 ~~imposed under this act shall be deposited into the fund and used~~  
3 ~~by the department for the administration of the program and the~~  
4 ~~payment of benefits to covered individuals.~~

5 ~~(c) Continuing appropriation. All money deposited in the~~  
6 ~~fund and all interest accrued is appropriated to the department~~  
7 ~~on a continuing basis to administer the program, including the~~  
8 ~~outreach campaign under section 508(a), and provide benefits~~  
9 ~~under this act.~~

10 ~~(d) Limitations on fund.~~

11 ~~(1) No administrative action shall prevent the deposit~~  
12 ~~of money into the fund in the fiscal year in which the money~~  
13 ~~is received.~~

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

17 ~~(e) Other deposits. The department may deposit into the~~  
18 ~~fund other money received for the purposes specified in this~~  
19 ~~act.~~

20 ~~Section 507. Annual report.~~

21 ~~(a) Annual report.~~

22 ~~(1) No later than September 1, 2029, and each September~~  
23 ~~1 thereafter, the department shall submit a report to the~~  
24 ~~chairperson and minority chairperson of the Labor and~~  
25 ~~Industry Committee of the Senate and the chairperson and~~  
26 ~~minority chairperson of the Labor and Industry Committee of~~  
27 ~~the House of Representatives.~~

28 ~~(2) Each report under paragraph (1) shall include:~~

29 ~~(i) Actual program participation by beneficiary~~  
30 ~~gender, including total number of leaves taken.~~

1 ~~(ii) Beneficiary gender for leaves taken.~~

2 ~~(iii) Types of family members for whom leave was~~  
3 ~~taken to provide care.~~

4 ~~(iv) Payroll contribution rate calculations for the~~  
5 ~~current and previous calendar year and projected rate~~  
6 ~~calculations for the next three calendar years.~~

7 ~~(v) Projected program participation over the next~~  
8 ~~three calendar years.~~

9 ~~(vi) Account balances.~~

10 ~~(vii) The scope and success of outreach efforts.~~

11 ~~(viii) Recommendations for improvements to the~~  
12 ~~program.~~

13 ~~(b) Public posting of annual report. The department shall~~  
14 ~~make the report available on the department's publicly~~  
15 ~~accessible Internet website. Monthly data should also be made~~  
16 ~~available online.~~

17 ~~Section 508. Public education.~~

18 ~~(a) Outreach campaign.~~

19 ~~(1) The department shall conduct a public education~~  
20 ~~campaign to inform employees and employers regarding the~~  
21 ~~availability of family and medical leave benefits under this~~  
22 ~~act.~~

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

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

29 ~~(b) Community outreach. The department may utilize outreach~~  
30 ~~money to identify and assist appropriate community organizations~~

1 ~~in educating hard to reach populations or industries, including~~  
2 ~~low income employees, employees and employers in industries that~~  
3 ~~do not typically provide paid family leave and employees and~~  
4 ~~employers whose primary language is not English.~~

5 ~~Section 509. Family and Medical Leave Advisory Board.~~

6 ~~(a) Establishment. The department shall establish the~~  
7 ~~Family and Medical Leave Advisory Board to assist in the~~  
8 ~~implementation of the program and ensure effective public~~  
9 ~~outreach regarding the availability of benefits under this act.~~

10 ~~(b) Composition. The board shall be composed of the~~  
11 ~~following:~~

12 ~~(1) The secretary or a designee, who shall serve as the~~  
13 ~~chairperson.~~

14 ~~(2) The State Treasurer or a designee.~~

15 ~~(3) The Insurance Commissioner or a designee.~~

16 ~~(4) The chairperson and minority chairperson of the~~  
17 ~~Labor and Industry Committee of the Senate or a designee.~~

18 ~~(5) The chairperson and minority chairperson of the~~  
19 ~~Labor and Industry Committee of the House of Representatives~~  
20 ~~or a designee.~~

21 ~~(6) Six members appointed by the secretary representing~~  
22 ~~an equal number of employers and employees who are residents~~  
23 ~~of and who work within this Commonwealth.~~

24 ~~(c) Terms.~~

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

28 ~~(2) Members specified under subsection (b) (6) shall~~  
29 ~~serve four year terms and shall not be eligible to serve more~~  
30 ~~than two full consecutive terms.~~

1 ~~(d) Quorum. A majority of the members of the board~~  
2 ~~participating in person or by video conference shall constitute~~  
3 ~~a quorum.~~

4 ~~(e) Meetings. The board shall meet at the call of the chair~~  
5 ~~and shall hold meetings at least biannually.~~

6 ~~(f) Public access. The board shall permit the public to~~  
7 ~~view or listen to a board meeting through contemporaneous~~  
8 ~~methods and shall make the recordings available on the~~  
9 ~~department's publicly accessible Internet website.~~

10 ~~(g) Expenses. Members shall not receive compensation but~~  
11 ~~shall be reimbursed for actual expenses incurred in service of~~  
12 ~~the board.~~

13 ~~Section 510. Regulations.~~

14 ~~(a) Duty of department. In addition to the necessary~~  
15 ~~regulations under sections 302(c) and 303(i), the department may~~  
16 ~~promulgate additional regulations as necessary to implement and~~  
17 ~~administer this act.~~

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

24 ~~Section 511. Right of action.~~

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

30 ~~(b) Fees and costs. The court, in an action under this~~

1 ~~section, shall, in addition to any judgment awarded to the~~  
2 ~~plaintiff, allow reasonable attorney fees and other costs of the~~  
3 ~~action to be paid by the defendant.~~

4 ~~(c) Limitations. An action brought by an employee under~~  
5 ~~subsection (a) shall terminate on the filing of a complaint by~~  
6 ~~the secretary in an action under subsection (d).~~

7 ~~(d) Civil action by secretary. The secretary may bring an~~  
8 ~~action in Commonwealth Court to recover damages and other~~  
9 ~~appropriate relief.~~

10 ~~(e) Money recovered by secretary. Any money recovered by~~  
11 ~~the secretary under subsection (d) shall be held in a special~~  
12 ~~deposit account and shall be paid directly to each employee~~  
13 ~~affected within 60 days of receipt.~~

14 CHAPTER 21

15 MISCELLANEOUS PROVISIONS

16 ~~Section 2101. Effective date.~~

17 ~~This act shall take effect in 180 days.~~

18 ESTABLISHING FAMILY AND MEDICAL LEAVE BENEFITS, THE PAID FAMILY <--  
19 AND MEDICAL LEAVE ACCOUNT AND THE PAID FAMILY AND MEDICAL  
20 LEAVE GRANT PROGRAM; CONFERRING POWERS AND IMPOSING DUTIES ON  
21 THE DEPARTMENT OF LABOR AND INDUSTRY; AND IMPOSING PENALTIES.

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16 SECTION 2101. EFFECTIVE DATE.

17 THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA  
18 HEREBY ENACTS AS FOLLOWS:

19 CHAPTER 1  
20 PRELIMINARY PROVISIONS

21 SECTION 101. SHORT TITLE.

22 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE FAMILY AND  
23 MEDICAL LEAVE ACT.

24 SECTION 102. DEFINITIONS.

25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
26 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
27 CONTEXT CLEARLY INDICATES OTHERWISE:

28 "ABUSE OF A VULNERABLE ADULT." INCLUDES ANY OF THE  
29 FOLLOWING:

30 (1) FORCED, INAPPROPRIATE USE, OR THE THREAT OF

1 INAPPROPRIATE USE, OF MEDICATIONS OR PHYSICAL OR CHEMICAL  
2 RESTRAINTS.

3 (2) MISUSE OF POWER OR AUTHORITY GRANTED TO A PERSON  
4 THROUGH A POWER OF ATTORNEY OR BY A COURT IN A GUARDIANSHIP  
5 OR CONSERVATORSHIP PROCEEDING THAT RESULTS IN UNREASONABLE  
6 CONFINEMENT OR RESTRICTION OF LIBERTY.

7 (3) ACTS OF VIOLENCE AGAINST, OR THE TAKING,  
8 TRANSFERRING, CONCEALING, HARMING OR DISPOSING OF, AN  
9 EMOTIONAL SUPPORT OR SERVICE ANIMAL OWNED, POSSESSED OR HELD  
10 BY A VULNERABLE ADULT.

11 (4) THE FAILURE OF A CAREGIVER TO PROVIDE GOODS, CARE OR  
12 SERVICES ESSENTIAL TO AVOID A CLEAR AND SERIOUS THREAT TO THE  
13 PHYSICAL OR MENTAL HEALTH OF A VULNERABLE ADULT.

14 (5) AN ACT OR COURSE OF CONDUCT BY A CAREGIVER AGAINST A  
15 VULNERABLE ADULT OR A VULNERABLE ADULT'S RESOURCES WITHOUT  
16 THE INFORMED CONSENT OF THE VULNERABLE ADULT OR WITH CONSENT  
17 OBTAINED THROUGH MISREPRESENTATION, COERCION OR THREATS OF  
18 FORCE, THAT RESULTS IN MONETARY, PERSONAL OR OTHER BENEFIT,  
19 GAIN OR PROFIT FOR THE PERPETRATOR OR MONETARY OR PERSONAL  
20 LOSS TO THE VULNERABLE ADULT.

21 (6) THE DESERTION OF A VULNERABLE ADULT BY A CAREGIVER.

22 (7) KNOWINGLY RESTRICTING THE MOVEMENT OR INDEPENDENCE  
23 OF A VULNERABLE ADULT WITHOUT THE VULNERABLE ADULT'S CONSENT  
24 BY REMOVING MEANS OF TRANSPORTATION, COMMUNICATION OR ACCESS  
25 TO OTHER ACTIVITIES OF DAILY LIVING, INCLUDING REMOVING  
26 ACCESS TO ASSISTIVE TECHNOLOGY, COMMUNICATION DEVICES OR  
27 MOBILITY AIDS.

28 "ACCOUNT." THE PAID FAMILY AND MEDICAL LEAVE ACCOUNT  
29 ESTABLISHED UNDER SECTION 701(A).

30 "APPLICATION YEAR." THE 12-MONTH PERIOD BEGINNING ON THE

1 FIRST DAY OF THE CALENDAR WEEK IN WHICH AN EMPLOYEE FILES A  
2 CLAIM FOR BENEFITS.

3 "ATTESTING THIRD PARTY." A DISABILITY SERVICE ORGANIZATION  
4 MANAGER OR COORDINATOR, CAREGIVER AGENCY COORDINATOR OR MANAGER,  
5 LAW ENFORCEMENT OFFICIAL, LICENSED HEALTH CARE PROFESSIONAL,  
6 LICENSED SOCIAL WORKER, VICTIM ADVOCATE OR VICTIM SERVICE  
7 PROVIDER.

8 "AUTHORIZED REASON FOR LEAVE FOR A QUALIFYING ACT OF  
9 VIOLENCE." ANY OF THE FOLLOWING:

10 (1) TO SEEK OR OBTAIN MEDICAL ATTENTION, REHABILITATIVE  
11 SERVICES, ACCESSIBILITY EQUIPMENT OR OTHER TREATMENT RELATED  
12 TO A PHYSICAL OR MENTAL INJURY OR DISABILITY CAUSED OR  
13 AGGRAVATED BY THE APPLICABLE QUALIFYING ACT OF VIOLENCE.

14 (2) TO RECOVER FROM A PHYSICAL OR MENTAL INJURY OR  
15 DISABILITY CAUSED OR AGGRAVATED BY THE APPLICABLE QUALIFYING  
16 ACT OF VIOLENCE.

17 (3) TO SEEK OR OBTAIN SERVICES FROM A VICTIM SERVICE  
18 PROVIDER IN RELATION TO THE APPLICABLE QUALIFYING ACT OF  
19 VIOLENCE.

20 (4) TO SEEK OR OBTAIN MENTAL HEALTH TREATMENT OR OTHER  
21 COUNSELING IN RELATION TO THE APPLICABLE QUALIFYING ACT OF  
22 VIOLENCE.

23 (5) TO RELOCATE OR ENGAGE IN THE PROCESS OF SECURING A  
24 NEW RESIDENCE DUE TO THE APPLICABLE QUALIFYING ACT OF  
25 VIOLENCE, INCLUDING SECURING TEMPORARY OR PERMANENT HOUSING  
26 OR ENROLLING CHILDREN IN A NEW SCHOOL.

27 (6) TO SEEK OR OBTAIN FINANCIAL SERVICES OR MEET WITH A  
28 FINANCIAL PROFESSIONAL TO ADDRESS FINANCIAL ISSUES RESULTING  
29 FROM THE APPLICABLE QUALIFYING ACT OF VIOLENCE.

30 (7) TO SEEK, OBTAIN OR PROVIDE CHILD CARE OR CARE TO A

1 CARE-DEPENDENT ADULT NECESSARY AS A RESULT OF THE APPLICABLE  
2 QUALIFYING ACT OF VIOLENCE.

3 (8) TO SEEK OR OBTAIN LEGAL SERVICES RELATED TO OR  
4 RESULTING FROM THE APPLICABLE QUALIFYING ACT OF VIOLENCE.

5 (9) TO PREPARE FOR, PARTICIPATE IN OR ATTEND A CIVIL,  
6 ADMINISTRATIVE OR CRIMINAL LEGAL PROCEEDING RELATING TO OR  
7 RESULTING FROM THE APPLICABLE QUALIFYING ACT OF VIOLENCE.

8 (10) TO MAKE MODIFICATIONS TO A HOME OR VEHICLE  
9 NECESSARY TO CREATE USABILITY OF AND ACCESSIBILITY TO THE  
10 HOME OR VEHICLE DUE TO AN INJURY SUSTAINED IN A QUALIFYING  
11 ACT OF VIOLENCE.

12 (11) TO SEEK OR OBTAIN NEW CAREGIVER SERVICES.

13 (12) TO TAKE ANY OTHER ACTION NECESSARY TO PROTECT OR  
14 RESTORE PHYSICAL, MENTAL, EMOTIONAL OR ECONOMIC WELL-BEING AS  
15 A RESULT OF THE APPLICABLE QUALIFYING ACT OF VIOLENCE.

16 "BENEFITS." THE MONETARY ALLOWANCES PAYABLE TO A COVERED  
17 INDIVIDUAL FOR FAMILY AND MEDICAL LEAVE DURING AN APPROVED LEAVE  
18 IN ACCORDANCE WITH THIS ACT.

19 "CLAIM." THE FILING OF A WRITTEN APPLICATION WITH AN  
20 EMPLOYER FOR THE RECEIPT OF BENEFITS.

21 "COVERED INDIVIDUAL." AN EMPLOYEE WHO ELECTS COVERAGE IN  
22 ACCORDANCE WITH THIS ACT WHO:

23 (1) MEETS EMPLOYMENT AND INCOME ELIGIBILITY REQUIREMENTS  
24 SPECIFIED IN SECTION 303.

25 (2) MEETS THE REQUIREMENTS OF THIS ACT REGARDING THE  
26 RECEIPT OF BENEFITS.

27 (3) HAS SUBMITTED A CLAIM THAT HAS BEEN APPROVED BY THE  
28 EMPLOYER.

29 "COVERED SERVICE MEMBER." A CURRENT OR FORMER MEMBER OF THE  
30 ARMED FORCES OF THE UNITED STATES, INCLUDING A CURRENT OR FORMER

1 MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED  
2 STATES OR THE PENNSYLVANIA NATIONAL GUARD, WHO MEETS ANY OF THE  
3 FOLLOWING REQUIREMENTS:

4 (1) IS UNDERGOING MEDICAL TREATMENT, RECUPERATION OR  
5 THERAPY.

6 (2) IS OTHERWISE IN OUTPATIENT STATUS.

7 (3) IS ON THE TEMPORARY DISABILITY RETIRED LIST FOR A  
8 SERIOUS INJURY OR ILLNESS INCURRED IN THE LINE OF DUTY ON  
9 ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES OR A  
10 SERIOUS INJURY OR ILLNESS THAT EXISTED BEFORE THE BEGINNING  
11 OF THE MEMBER'S ACTIVE DUTY THAT WAS AGGRAVATED BY SERVICE IN  
12 THE LINE OF DUTY ON ACTIVE DUTY IN THE ARMED FORCES OF THE  
13 UNITED STATES, A RESERVE COMPONENT OF THE ARMED FORCES OF THE  
14 UNITED STATES OR THE PENNSYLVANIA NATIONAL GUARD.

15 "DEPARTMENT." THE DEPARTMENT OF LABOR AND INDUSTRY OF THE  
16 COMMONWEALTH.

17 "DOMESTIC VIOLENCE." THE OCCURRENCE OF ANY OF THE FOLLOWING  
18 ACTS BETWEEN FAMILY OR HOUSEHOLD MEMBERS AS DEFINED IN 23  
19 PA.C.S. § 6102(A) (RELATING TO DEFINITIONS):

20 (1) INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSING, OR  
21 ATTEMPTING TO CAUSE, BODILY INJURY, SERIOUS BODILY INJURY OR  
22 SEXUAL VIOLENCE.

23 (2) PLACING ANOTHER INDIVIDUAL IN REASONABLE FEAR OF  
24 IMMINENT SERIOUS BODILY HARM.

25 (3) AN ACT OF DOMESTIC AND OTHER VIOLENCE AS DEFINED IN  
26 55 PA. CODE § 3042.3 (RELATING TO DEFINITIONS).

27 (4) THE INFLICTION OF FALSE IMPRISONMENT UNDER 18  
28 PA.C.S. § 2903 (RELATING TO FALSE IMPRISONMENT).

29 "EMPLOYEE." AN INDIVIDUAL WHO IS EMPLOYED BY AN EMPLOYER  
30 DOING BUSINESS IN THIS COMMONWEALTH. THE TERM INCLUDES A SELF-

1 EMPLOYED INDIVIDUAL.

2 "EMPLOYER." AS DEFINED IN SECTION 103 OF THE WORKERS '  
3 COMPENSATION ACT.

4 "FAMILY AND MEDICAL LEAVE." BENEFITS APPROVED AND PAYABLE TO  
5 COVERED INDIVIDUALS UNDER THIS ACT.

6 "FAMILY MEMBER." ANY OF THE FOLLOWING:

7 (1) A BIOLOGICAL CHILD, ADOPTED OR FOSTER CHILD,  
8 STEPCHILD OR LEGAL WARD, A CHILD OF A DOMESTIC PARTNER OR A  
9 CHILD TO WHOM AN EMPLOYEE STANDS IN LOCO PARENTIS, REGARDLESS  
10 OF AGE.

11 (2) A BIOLOGICAL PARENT, FOSTER PARENT, STEPPARENT OR  
12 ADOPTIVE PARENT OR LEGAL GUARDIAN OF AN EMPLOYEE OR AN  
13 EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER OR AN INDIVIDUAL WHO  
14 STOOD IN LOCO PARENTIS WHEN THE EMPLOYEE OR THE EMPLOYEE'S  
15 SPOUSE OR DOMESTIC PARTNER WAS A MINOR CHILD.

16 (3) AN INDIVIDUAL TO WHOM THE EMPLOYEE IS LEGALLY  
17 MARRIED UNDER THE LAWS OF ANY STATE OR A DOMESTIC PARTNER OF  
18 AN EMPLOYEE AS REGISTERED UNDER THE LAWS OF ANY STATE OR  
19 POLITICAL SUBDIVISION.

20 (4) A GRANDPARENT, GRANDCHILD OR SIBLING, WHETHER OF A  
21 BIOLOGICAL, FOSTER, ADOPTIVE OR STEP RELATIONSHIP, OF THE  
22 EMPLOYEE OR THE EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER.

23 (5) AN INDIVIDUAL WHO REGULARLY RESIDES IN THE  
24 EMPLOYEE'S HOME OR WHERE THE RELATIONSHIP CREATES AN  
25 EXPECTATION THAT THE EMPLOYEE CARES FOR THE INDIVIDUAL AND  
26 THAT THE INDIVIDUAL DEPENDS ON THE EMPLOYEE FOR CARE. THE  
27 TERM DOES NOT INCLUDE AN INDIVIDUAL WHO SIMPLY RESIDES IN THE  
28 SAME HOME WITH NO EXPECTATION THAT THE EMPLOYEE CARE FOR THE  
29 INDIVIDUAL.

30 "HEALTH CARE PROVIDER." A HEALTH CARE CENTER OR A PERSON,

1 INCLUDING A CORPORATION, UNIVERSITY OR OTHER EDUCATIONAL  
2 INSTITUTION LICENSED OR APPROVED BY THE COMMONWEALTH TO PROVIDE  
3 HEALTH CARE OR PROFESSIONAL MEDICAL SERVICES, INCLUDING A  
4 PHYSICIAN, CERTIFIED NURSE MIDWIFE, MENTAL HEALTH CARE PROVIDER,  
5 HOSPITAL, NURSING HOME, BIRTH CENTER OR ANY OTHER PERSON  
6 DETERMINED BY THE DEPARTMENT TO BE PROVIDING HEALTH CARE  
7 SERVICES.

8 "LEAVE." THE ALLOTTED AMOUNT OF TIME APPROVED BY AN EMPLOYER  
9 FOR THE RECEIPT OF BENEFITS.

10 "MEDICAL CERTIFICATION." WRITTEN CERTIFICATION FROM A HEALTH  
11 CARE PROVIDER ON A FORM PREPARED BY THE DEPARTMENT THAT VERIFIES  
12 A SERIOUS HEALTH CONDITION PROMPTING THE FILING OF A CLAIM AND  
13 RECEIPT OF BENEFITS BY A COVERED INDIVIDUAL UNDER THIS ACT.

14 "PROGRAM." THE PAID FAMILY AND MEDICAL LEAVE GRANT PROGRAM  
15 ESTABLISHED UNDER SECTION 702(A).

16 "QUALIFYING ACT OF VIOLENCE." AN ACT, CONDUCT OR PATTERN OF  
17 CONDUCT THAT COULD CONSTITUTE ANY OF THE FOLLOWING, REGARDLESS  
18 OF WHETHER ANYONE IS ARRESTED OR CHARGED WITH COMMITTING A  
19 CRIME:

20 (1) DOMESTIC VIOLENCE.

21 (2) SEXUAL VIOLENCE.

22 (3) STALKING.

23 (4) ABUSE OF A VULNERABLE ADULT.

24 (5) AN ACT OR CONDUCT IN WHICH A PERSON USES FORCE TO

25 CAUSE OR ATTEMPT TO CAUSE PHYSICAL OR MENTAL INJURY TO

26 ANOTHER. FOR PURPOSES OF THIS PARAGRAPH, THE ACT OR CONDUCT

27 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 (6) AN ACT OR CONDUCT IN WHICH A PERSON MAKES A  
5 REASONABLY PERCEIVED OR ACTUAL THREAT OF PHYSICAL OR MENTAL  
6 INJURY TO ANOTHER. FOR PURPOSES OF THIS PARAGRAPH, THE ACT OR  
7 CONDUCT DOES NOT INCLUDE AN ACT OR CONDUCT ARISING OUT OF THE  
8 OWNERSHIP, MAINTENANCE OR USE OF A MOTOR VEHICLE, EXCEPT WHEN  
9 THE PERSON ENGAGING IN THE ACT OR CONDUCT:

10 (I) INTENDED TO CAUSE, OR INTENDED TO THREATEN TO  
11 CAUSE, PHYSICAL OR MENTAL INJURY; OR

12 (II) WAS UNDER THE INFLUENCE OF ALCOHOL OR A  
13 CONTROLLED SUBSTANCE.

14 "QUALIFYING EXIGENCY LEAVE." LEAVE FOR THE FAMILY MEMBER OF  
15 A MILITARY MEMBER DEPLOYED AT HOME OR ABROAD FOR THE PURPOSES  
16 SPECIFIED IN 29 CFR 825.126 (RELATING TO LEAVE BECAUSE OF A  
17 QUALIFYING EXIGENCY).

18 "RETALIATORY PERSONNEL ACTION."

19 (1) ANY THREAT, DISCIPLINE, DISCHARGE, SUSPENSION,  
20 DEMOTION, REDUCTION OF HOURS OR OTHER ADVERSE ACTION TAKEN  
21 AGAINST AN EMPLOYEE FOR EXERCISING THE RIGHTS AND PROTECTIONS  
22 AFFORDED BY THIS ACT.

23 (2) THE TERM INCLUDES INTERFERENCE WITH OR PUNISHMENT  
24 FOR PARTICIPATING IN OR ACTING ON A COMPLAINT OR APPEAL UNDER  
25 THIS ACT.

26 "SECRETARY." THE SECRETARY OF LABOR AND INDUSTRY OF THE  
27 COMMONWEALTH.

28 "SERIOUS HEALTH CONDITION." AN ILLNESS, INJURY, IMPAIRMENT,  
29 PREGNANCY, RECOVERY FROM CHILDBIRTH OR PHYSICAL OR MENTAL  
30 CONDITION AS DEFINED IN 29 U.S.C. § 2611(11) (RELATING TO

1 DEFINITIONS).

2 "SEXUAL VIOLENCE." AS DEFINED IN 42 PA.C.S. § 62A03  
3 (RELATING TO DEFINITIONS).

4 "STALKING." CONDUCT IN WHICH AN INDIVIDUAL DOES ANY OF THE  
5 FOLLOWING:

6 (1) ENGAGES IN A COURSE OF CONDUCT OR REPEATEDLY COMMITS  
7 ACTS TOWARD ANOTHER INDIVIDUAL, INCLUDING FOLLOWING THE OTHER  
8 INDIVIDUAL WITHOUT PROPER AUTHORITY:

9 (I) UNDER CIRCUMSTANCES WHICH DEMONSTRATE EITHER AN  
10 INTENT TO PLACE THE OTHER INDIVIDUAL IN REASONABLE FEAR  
11 OF BODILY INJURY OR TO CAUSE SUBSTANTIAL EMOTIONAL  
12 DISTRESS TO THE OTHER INDIVIDUAL; OR

13 (II) WHICH, AS A RESULT, INTENTIONALLY, KNOWINGLY OR  
14 RECKLESSLY PLACES THE OTHER INDIVIDUAL IN REASONABLE FEAR  
15 OF BODILY INJURY OR CAUSES SUBSTANTIAL EMOTIONAL DISTRESS  
16 TO THE OTHER INDIVIDUAL.

17 (2) ENGAGES IN A COURSE OF CONDUCT OR REPEATEDLY  
18 COMMUNICATES TO ANOTHER INDIVIDUAL:

19 (I) UNDER CIRCUMSTANCES WHICH DEMONSTRATE OR  
20 COMMUNICATE EITHER AN INTENT TO PLACE THE OTHER  
21 INDIVIDUAL IN REASONABLE FEAR OF BODILY INJURY OR TO  
22 CAUSE SUBSTANTIAL EMOTIONAL DISTRESS TO THE OTHER  
23 INDIVIDUAL; OR

24 (II) WHICH, AS A RESULT, INTENTIONALLY, KNOWINGLY OR  
25 RECKLESSLY PLACES THE OTHER INDIVIDUAL IN REASONABLE FEAR  
26 OF BODILY INJURY OR CAUSES SUBSTANTIAL EMOTIONAL DISTRESS  
27 TO THE OTHER INDIVIDUAL.

28 "STATEWIDE AVERAGE WEEKLY WAGE." THE AVERAGE AMOUNT OF  
29 WEEKLY WAGES AS DETERMINED BY THE DEPARTMENT ON AN ANNUAL BASIS  
30 FOR EACH CALENDAR YEAR IN ACCORDANCE WITH THE WORKERS'

1 COMPENSATION ACT, WHICH SHALL BE POSTED ON THE DEPARTMENT'S  
2 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

3 "UNEMPLOYMENT COMPENSATION LAW." THE ACT OF DECEMBER 5, 1936  
4 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT  
5 COMPENSATION LAW.

6 "VICTIM." ANY OF THE FOLLOWING:

7 (1) AN INDIVIDUAL AGAINST WHOM A QUALIFYING ACT OF  
8 VIOLENCE WAS COMMITTED.

9 (2) AN INDIVIDUAL WHO WAS PHYSICALLY PRESENT AT THE  
10 SCENE OF A QUALIFYING ACT OF VIOLENCE AND WITNESSED THE  
11 QUALIFYING ACT OF VIOLENCE, WHO DID NOT COMMIT THE QUALIFYING  
12 ACT OF VIOLENCE AND WHO AS A DIRECT RESULT:

13 (I) SUFFERS PHYSICAL OR MENTAL INJURY; OR

14 (II) REASONABLY BELIEVES THAT THE INDIVIDUAL IS  
15 UNDER THE THREAT OF PHYSICAL HARM.

16 "VICTIM ADVOCATE." AN INDIVIDUAL, WHETHER PAID OR SERVING AS  
17 A VOLUNTEER, WHO PROVIDES SERVICES TO VICTIMS UNDER THE AUSPICES  
18 OR SUPERVISION OF A VICTIM SERVICE PROVIDER, A COURT OR LAW  
19 ENFORCEMENT OR PROSECUTION AGENCY.

20 "VICTIM SERVICE PROVIDER." AS FOLLOWS:

21 (1) AN AGENCY OR ORGANIZATION THAT PROVIDES SERVICES TO  
22 VICTIMS.

23 (2) THE TERM INCLUDES:

24 (I) A RAPE CRISIS CENTER AS DEFINED IN 42 PA.C.S. §  
25 5945.1(A) (RELATING TO CONFIDENTIAL COMMUNICATIONS WITH  
26 SEXUAL ASSAULT COUNSELORS).

27 (II) A DOMESTIC VIOLENCE PROGRAM AS DEFINED IN 23  
28 PA.C.S. § 6102(A).

29 (III) AN AGENCY OR ORGANIZATION WITH A DOCUMENTED  
30 HISTORY OF PROVIDING SERVICES TO VICTIMS.

1 "VULNERABLE ADULT." AN INDIVIDUAL WHO IS AT LEAST 18 YEARS  
2 OF AGE OR OLDER, IS RELIANT ON A CAREGIVER AND IS UNABLE TO  
3 PROTECT THEIRSELF FROM ABUSE, NEGLECT OR EXPLOITATION BY OTHERS  
4 BECAUSE OF A DISABILITY OR IMPAIRMENT.

5 "WORKERS' COMPENSATION ACT." THE ACT OF JUNE 2, 1915  
6 (P.L.736, NO.338), KNOWN AS THE WORKERS' COMPENSATION ACT.

7 CHAPTER 3

8 FAMILY AND MEDICAL LEAVE

9 SECTION 301. DUTY TO PROVIDE FAMILY AND MEDICAL LEAVE.

10 AN EMPLOYER SHALL HAVE THE DUTY TO PROVIDE BENEFITS IN  
11 ACCORDANCE WITH THIS ACT TO COVERED INDIVIDUALS.

12 SECTION 302. POWERS AND DUTIES OF DEPARTMENT.

13 TO FULFILL ITS RESPONSIBILITIES UNDER THIS ACT, THE  
14 DEPARTMENT SHALL:

15 (1) DEVELOP THE FOLLOWING FORMS, WHICH THE DEPARTMENT  
16 SHALL POST ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE:

17 (I) THE FORM OF THE WRITTEN NOTICE THAT EMPLOYERS  
18 MUST PROVIDE TO THEIR EMPLOYEES IN ACCORDANCE WITH  
19 SECTION 501.

20 (II) THE MEDICAL CERTIFICATION FORM REFERENCED IN  
21 SECTION 303(B). WHEN POSSIBLE, THE DEPARTMENT SHALL USE  
22 FEDERAL FAMILY AND MEDICAL LEAVE FORMS AND SHALL ONLY USE  
23 A COMPLETED MEDICAL CERTIFICATION FORM REGARDING A  
24 COVERED INDIVIDUAL FOR THE PURPOSE OF ADJUDICATING A  
25 CLAIM UNDER THIS ACT.

26 (III) THE NECESSARY FORMS FOR FILING AND  
27 ACKNOWLEDGING A BENEFITS CLAIM AND FOR PROVIDING NOTICE  
28 OF BENEFITS APPROVAL TO COVERED INDIVIDUALS.

29 (IV) THE FORM REGARDING EMPLOYEE COMPLAINTS.

30 (V) ANY OTHER FORM NECESSARY TO IMPLEMENT,

1 ADMINISTER AND ENFORCE THIS ACT.

2 (2) DEVELOP THE ABSTRACT REFERENCED IN SECTION 501(C),  
3 WHICH THE DEPARTMENT SHALL POST ON ITS PUBLICLY ACCESSIBLE  
4 INTERNET WEBSITE.

5 (3) DEVELOP PROCEDURES TO INVESTIGATE AND RESOLVE  
6 COMPLAINTS UNDER THIS ACT.

7 (4) CONDUCT AN ONGOING PUBLIC OUTREACH CAMPAIGN TO  
8 INFORM EMPLOYERS AND EMPLOYEES ABOUT THE AVAILABILITY OF  
9 FAMILY AND MEDICAL LEAVE.

10 (5) DEVELOP A SYSTEM FOR AN ADMINISTRATIVE COMPLAINT AND  
11 APPEALS PROCESS REGARDING THE DENIAL OF FAMILY AND MEDICAL  
12 LEAVE AND VIOLATIONS OF THIS ACT.

13 (6) DEVELOP PROCEDURES TO ENSURE CONFIDENTIALITY OF  
14 INFORMATION RELATED TO CLAIMS FILED OR APPEALS TAKEN, IN  
15 ACCORDANCE WITH APPLICABLE LAW.

16 (7) PROMULGATE REGULATIONS IN ACCORDANCE WITH SECTION  
17 505.

18 SECTION 303. ELIGIBILITY FOR FAMILY AND MEDICAL LEAVE.

19 (A) BASIS FOR RECEIPT OF BENEFITS.--AN EMPLOYEE IS ELIGIBLE  
20 TO RECEIVE BENEFITS IF THE EMPLOYEE:

21 (1) FILES A CLAIM WITH THE EMPLOYER BASED ON ANY OF THE  
22 FOLLOWING CIRCUMSTANCES:

23 (I) BECAUSE OF BIRTH, ADOPTION OR PLACEMENT THROUGH  
24 FOSTER CARE, THE EMPLOYEE IS CARING FOR A NEW CHILD  
25 DURING THE FIRST YEAR AFTER THE BIRTH, ADOPTION OR  
26 PLACEMENT OF THAT CHILD.

27 (II) THE EMPLOYEE IS CARING FOR A FAMILY MEMBER WITH  
28 A SERIOUS HEALTH CONDITION.

29 (III) THE EMPLOYEE HAS A SERIOUS HEALTH CONDITION,  
30 INCLUDING PREGNANCY, THAT RENDERS THE EMPLOYEE UNABLE TO

1 PERFORM THE FUNCTIONS OF THE EMPLOYEE'S POSITION.

2 (IV) THE EMPLOYEE IS CARING FOR A FAMILY MEMBER WHO  
3 IS A COVERED SERVICE MEMBER DUE TO A QUALIFYING EXIGENCY  
4 LEAVE IN ACCORDANCE WITH THE TERMS OF 29 U.S.C. CH. 28  
5 (RELATING TO FAMILY AND MEDICAL LEAVE).

6 (V) THE EMPLOYEE IS A VICTIM OF A QUALIFYING ACT OF  
7 VIOLENCE OR HAS CARED FOR OR IS CARING FOR A FAMILY  
8 MEMBER WHO IS A VICTIM OF A QUALIFYING ACT OF VIOLENCE  
9 AND IS TAKING LEAVE FOR AN AUTHORIZED REASON FOR LEAVE  
10 FOR A QUALIFYING ACT OF VIOLENCE.

11 (2) IS CURRENTLY EMPLOYED IN THIS COMMONWEALTH OR IS  
12 WITHIN 120 DAYS OF SEPARATION FROM EMPLOYMENT IN THIS  
13 COMMONWEALTH.

14 (3) HAS WORKED WITH THE EMPLOYER AT LEAST 18 WEEKS  
15 DURING THE 12-MONTH PERIOD PRIOR TO SUBMITTING THE CLAIM.

16 (4) HAS EARNED AT LEAST \$2,718 IN INCOME WITH THE  
17 EMPLOYER DURING THE 12-MONTH PERIOD PRIOR TO SUBMITTING THE  
18 CLAIM. THE EARNED INCOME RATE IN THIS PARAGRAPH SHALL BE  
19 ADJUSTED ANNUALLY BY THE DEPARTMENT AND REFLECT THE MINIMUM  
20 QUALIFYING WAGE TO QUALIFY FOR BENEFITS UNDER THE  
21 UNEMPLOYMENT COMPENSATION LAW.

22 (5) PROVIDES TO THE EMPLOYER THE REQUIRED DOCUMENTATION  
23 TO SUPPORT THE CLAIM, INCLUDING ANY NECESSARY MEDICAL  
24 CERTIFICATION IN ACCORDANCE WITH SUBSECTION (B).

25 (B) MEDICAL CERTIFICATION.--

26 (1) IF THE BASIS OF A CLAIM BY AN EMPLOYEE INVOLVES A  
27 SERIOUS HEALTH CONDITION AS REFERENCED IN SUBSECTION (A) (1)  
28 (II) OR (III) OR A QUALIFYING ACT OF VIOLENCE REFERENCED IN  
29 SUBSECTION (A) (1) (V), THE EMPLOYEE SHALL PROVIDE TO THE  
30 EMPLOYER, ON A FORM PRESCRIBED BY THE DEPARTMENT, A MEDICAL

1 CERTIFICATION CONFIRMING THE SERIOUS HEALTH CONDITION OR  
2 QUALIFYING ACT OF VIOLENCE THAT JUSTIFIES THE CLAIM AND  
3 RECEIPT OF BENEFITS.

4 (2) UNLESS WRITTEN AUTHORIZATION IS PROVIDED BY AN  
5 EMPLOYEE OR COVERED INDIVIDUAL, THE DEPARTMENT OR AN EMPLOYER  
6 MAY NOT RELEASE CONFIDENTIAL MEDICAL DOCUMENTATION OF THE  
7 EMPLOYEE OR COVERED INDIVIDUAL.

8 (C) QUALIFYING ACT OF VIOLENCE CERTIFICATION.--

9 (1) THE EMPLOYER MAY REQUIRE THAT AN EMPLOYEE, WITHIN A  
10 REASONABLE PERIOD AFTER THE ABSENCE, PROVIDE DOCUMENTATION  
11 THAT THE EMPLOYEE OR FAMILY MEMBER OF THE EMPLOYEE IS A  
12 VICTIM OF A QUALIFYING ACT OF VIOLENCE.

13 (2) THE EMPLOYEE MAY SATISFY THE CERTIFICATION  
14 REQUIREMENT BY PROVIDING TO THE EMPLOYER ANY OF THE  
15 FOLLOWING:

16 (I) A COPY OF A VALID COURT ORDER THAT RESTRAINS THE  
17 PERSON ALLEGED TO HAVE COMMITTED THE QUALIFYING ACT OF  
18 VIOLENCE FROM CONTACT WITH THE EMPLOYEE OR FAMILY MEMBER  
19 OF THE EMPLOYEE.

20 (II) MEDICAL OR MENTAL HEALTH RECORDS INDICATING  
21 THAT THE EMPLOYEE OR FAMILY MEMBER OF THE EMPLOYEE IS A  
22 VICTIM OF A QUALIFYING ACT OF VIOLENCE.

23 (III) A POLICE REPORT DOCUMENTING THE ACT OF WHICH  
24 THE EMPLOYEE OR FAMILY MEMBER OF THE EMPLOYEE IS A VICTIM  
25 OF A QUALIFYING ACT OF VIOLENCE.

26 (IV) EVIDENCE THAT THE PERSON ALLEGED TO HAVE  
27 COMMITTED THE QUALIFYING ACT OF VIOLENCE HAS BEEN CHARGED  
28 WITH OR CONVICTED OF AN ACT OF WHICH THE EMPLOYEE OR  
29 FAMILY MEMBER OF THE EMPLOYEE IS A VICTIM.

30 (V) A WRITTEN CERTIFICATION SIGNED BY AN ATTESTING

1 THIRD PARTY THAT AFFIRMS THAT THE EMPLOYEE OR FAMILY  
2 MEMBER OF THE EMPLOYEE IS A VICTIM OF A QUALIFYING ACT OF  
3 VIOLENCE.

4 (VI) ANY OTHER FORM OF DOCUMENTATION THAT REASONABLY  
5 VERIFIES THAT THE EMPLOYEE OR FAMILY MEMBER OF THE  
6 EMPLOYEE IS A VICTIM OF A QUALIFYING ACT OF VIOLENCE,  
7 INCLUDING A WRITTEN STATEMENT SIGNED BY THE EMPLOYEE OR  
8 AN INDIVIDUAL AUTHORIZED TO ACT ON BEHALF OF THE  
9 EMPLOYEE.

10 (3) FURNISHING DOCUMENTATION OR PROVIDING A  
11 CERTIFICATION UNDER THIS SUBSECTION IS NOT A WAIVER OF ANY  
12 CONFIDENTIALITY OR PRIVILEGE THAT MAY EXIST BETWEEN THE  
13 EMPLOYEE OR VICTIM AND AN ATTESTING THIRD PARTY.

14 (4) THE EMPLOYER MAY NOT REQUIRE:

15 (I) THAT THE EMPLOYEE PROVIDE A CERTIFICATION THAT  
16 EXPLAINS THE DETAILS OF THE QUALIFYING ACT OF VIOLENCE.

17 (II) DISCLOSURE OF DETAILS RELATING TO A QUALIFYING  
18 ACT OF VIOLENCE OR THE DETAILS OF THE MEDICAL CONDITION  
19 OF THE EMPLOYEE OR FAMILY MEMBER OF THE EMPLOYEE AS A  
20 CONDITION OF PROVIDING LEAVE UNDER THIS ACT.

21 (5) THE EMPLOYER SHALL MAINTAIN THE CONFIDENTIALITY OF  
22 ALL INFORMATION PROVIDED TO THE EMPLOYER UNDER THIS  
23 SUBSECTION, EXCEPT TO THE EXTENT THAT DISCLOSURE IS:

24 (I) REQUESTED OR CONSENTED TO IN WRITING BY THE  
25 EMPLOYEE; OR

26 (II) OTHERWISE REQUIRED BY APPLICABLE FEDERAL OR  
27 STATE LAW, IN WHICH CASE THE EMPLOYER SHALL PROVIDE THE  
28 EMPLOYEE NOTICE PRIOR TO ANY AUTHORIZED DISCLOSURE.

29 (D) ADJUDICATION OF CLAIM.--

30 (1) WITHIN 10 BUSINESS DAYS OF RECEIPT OF A CLAIM AND

1 ALL NECESSARY DOCUMENTATION TO SUPPORT THE CLAIM, THE  
2 EMPLOYER SHALL DETERMINE WHETHER THE EMPLOYEE HAS MET ALL OF  
3 THE ELIGIBILITY REQUIREMENTS UNDER SUBSECTION (A).

4 (2) IF THE EMPLOYER DETERMINES THAT THE ELIGIBILITY  
5 REQUIREMENTS UNDER SUBSECTION (A) HAVE BEEN MET, THE EMPLOYER  
6 SHALL APPROVE BENEFITS FOR REQUESTED AMOUNT OF FAMILY AND  
7 MEDICAL LEAVE, SUBJECT TO SECTION 304(A).

8 (E) INTERACTION WITH WORKERS' COMPENSATION ACT AND  
9 UNEMPLOYMENT COMPENSATION LAW.--TO BE ELIGIBLE TO FILE A CLAIM  
10 AND RECEIVE BENEFITS, AN EMPLOYEE MAY NOT RECEIVE BENEFITS FOR  
11 THE SAME DAY UNDER THE WORKERS' COMPENSATION ACT OR THE  
12 UNEMPLOYMENT COMPENSATION LAW.

13 (F) MARRIED OR DOMESTIC PARTNERS EMPLOYED BY SAME  
14 EMPLOYER.--INDIVIDUALS WHO ARE LEGALLY MARRIED OR DOMESTIC  
15 PARTNERS UNDER THE LAWS OF ANY STATE OR POLITICAL SUBDIVISION  
16 AND EMPLOYED BY THE SAME EMPLOYER SHALL BOTH BE ELIGIBLE FOR  
17 BENEFITS, EVEN WHEN THE LEAVE RUNS CONCURRENTLY.

18 SECTION 304. DURATION OF BENEFITS.

19 (A) MAXIMUM LEAVE DURATION.--

20 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE TOTAL  
21 NUMBER OF WEEKS DURING WHICH BENEFITS ARE PAYABLE UNDER  
22 SECTION 303(A) IN AN APPLICATION YEAR MAY NOT EXCEED 12 WEEKS  
23 REGARDLESS OF THE REASON OR REASONS FOR THE LEAVE.

24 (2) THE EMPLOYER IS NOT REQUIRED TO, BUT MAY PROVIDE,  
25 BENEFITS FOR A PERIOD EXCEEDING 12 WEEKS.

26 (B) INITIAL PAYMENT OF BENEFITS.--THE FIRST PAYMENT OF  
27 BENEFITS SHALL BE MADE TO A COVERED INDIVIDUAL NO LATER THAN ONE  
28 WEEK:

29 (1) AFTER THE CLAIM IS FILED AND APPROVED BY THE  
30 EMPLOYER; OR

1 (2) FROM THE DATE THE LEAVE IS SCHEDULED TO COMMENCE.

2 (C) PAYMENT OF BENEFITS.--AFTER THE INITIAL PAYMENT OF  
3 BENEFITS, SUBSEQUENT PAYMENTS SHALL BE MADE IN ACCORDANCE WITH  
4 THE EMPLOYER'S EXISTING PAY SCHEDULE FOR THE DURATION OF THE  
5 APPROVED LEAVE.

6 SECTION 305. AMOUNT OF BENEFITS.

7 (A) CALCULATION OF BENEFITS.--

8 (1) THE BENEFITS PAYABLE TO A COVERED INDIVIDUAL SHALL  
9 BE CALCULATED AS FOLLOWS:

10 (I) THE PORTION OF A COVERED INDIVIDUAL'S AVERAGE  
11 WEEKLY WAGE THAT IS EQUAL TO OR LESS THAN 50% OF THE  
12 STATEWIDE AVERAGE WEEKLY WAGE SHALL BE REPLACED AT A RATE  
13 OF 90%;

14 (II) SUBJECT TO SUBPARAGRAPH (III), THE PORTION OF A  
15 COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE THAT EXCEEDS 50%  
16 OF THE STATEWIDE AVERAGE WEEKLY WAGE SHALL BE REPLACED AT  
17 A RATE OF 50%; AND

18 (III) THE EMPLOYER IS NOT REQUIRED TO BUT MAY  
19 PROVIDE WEEKLY BENEFITS PAYABLE TO A COVERED INDIVIDUAL  
20 FOR MORE THAN THE STATEWIDE AVERAGE WEEKLY WAGE.

21 (2) THE CALCULATION OF A COVERED INDIVIDUAL'S AVERAGE  
22 WEEKLY WAGE IN ACCORDANCE WITH THIS SUBSECTION SHALL BE AS  
23 FOLLOWS:

24 (I) IF AT THE TIME THE LEAVE COMMENCES THE WAGES ARE  
25 FIXED BY THE WEEK, THE AMOUNT SO FIXED SHALL BE THE  
26 AVERAGE WEEKLY WAGE.

27 (II) IF AT THE TIME THE LEAVE COMMENCES THE WAGES  
28 ARE FIXED BY THE MONTH, THE AVERAGE WEEKLY WAGE SHALL BE  
29 THE MONTHLY WAGE SO FIXED MULTIPLIED BY 12 AND DIVIDED BY  
30 52.

1 (III) IF AT THE TIME THE LEAVE COMMENCES THE WAGES  
2 ARE FIXED BY THE YEAR, THE AVERAGE WEEKLY WAGE SHALL BE  
3 THE YEARLY WAGE FIXED DIVIDED BY 52.

4 (IV) IF AT THE TIME THE LEAVE COMMENCES THE WAGES  
5 ARE FIXED BY ANY MANNER NOT PROVIDED IN SUBPARAGRAPH (I),  
6 (II) OR (III), THE AVERAGE WEEKLY WAGE SHALL BE  
7 CALCULATED BY DIVIDING BY 13 THE TOTAL WAGES EARNED IN  
8 THE EMPLOY OF THE EMPLOYER IN EACH OF THE HIGHEST THREE  
9 OF THE LAST FOUR CONSECUTIVE PERIODS OF 13 CALENDAR WEEKS  
10 IN THE 52 WEEKS IMMEDIATELY PRECEDING THE LEAVE PERIOD  
11 AND BY AVERAGING THE TOTAL AMOUNTS EARNED DURING THESE  
12 THREE PERIODS.

13 (V) IF THE COVERED EMPLOYEE HAS NOT BEEN EMPLOYED BY  
14 THE EMPLOYER FOR AT LEAST THREE CONSECUTIVE PERIODS OF 13  
15 CALENDAR WEEKS IN THE 52 WEEKS IMMEDIATELY PRECEDING THE  
16 LEAVE PERIOD, THE AVERAGE WEEKLY WAGE SHALL BE CALCULATED  
17 BY DIVIDING BY 13 THE TOTAL WAGES EARNED IN THE EMPLOY OF  
18 THE EMPLOYER FOR ANY COMPLETED PERIOD OF 13 CALENDAR  
19 WEEKS IMMEDIATELY PRECEDING THE LEAVE PERIOD AND BY  
20 AVERAGING THE TOTAL AMOUNTS EARNED DURING SUCH PERIODS.

21 (VI) IF THE EMPLOYEE HAS WORKED LESS THAN A COMPLETE  
22 PERIOD OF 13 CALENDAR WEEKS AND DOES NOT HAVE FIXED  
23 WEEKLY WAGES, THE AVERAGE WEEKLY WAGE SHALL BE THE HOURLY  
24 WAGE RATE MULTIPLIED BY THE NUMBER OF HOURS THE EMPLOYEE  
25 WAS EXPECTED TO WORK PER WEEK UNDER THE TERMS OF  
26 EMPLOYMENT.

27 (VII) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OR  
28 (VI), IN OCCUPATIONS WHICH ARE EXCLUSIVELY SEASONAL AND  
29 THEREFORE CANNOT BE CARRIED THROUGHOUT THE YEAR, THE  
30 AVERAGE WEEKLY WAGE SHALL BE TAKEN TO BE ONE-FIFTEENTH OF

1 THE TOTAL WAGES WHICH THE EMPLOYEE HAS EARNED FROM ALL  
2 OCCUPATIONS DURING THE 12 CALENDAR MONTHS IMMEDIATELY  
3 PRECEDING THE LEAVE, UNLESS IT BE SHOWN THAT DURING SUCH  
4 YEAR, BY REASON OF EXCEPTIONAL CAUSES, SUCH METHOD OF  
5 CALCULATION DOES NOT CLEARLY PROVIDE THE EARNINGS OF THE  
6 EMPLOYEE, IN WHICH CASE THE PERIOD FOR CALCULATION SHALL  
7 BE EXTENDED SO FAR AS TO GIVE A BASIS FOR THE FAIR  
8 ASCERTAINMENT OF AVERAGE WEEKLY EARNINGS.

9 (VIII) THE TERMS "AVERAGE WEEKLY WAGE" AND "TOTAL  
10 WAGES," AS USED IN THIS PARAGRAPH SHALL INCLUDE BOARD AND  
11 LODGING RECEIVED FROM THE EMPLOYER AND GRATUITIES  
12 REPORTED TO THE UNITED STATES INTERNAL REVENUE SERVICE BY  
13 OR FOR THE EMPLOYEE FOR FEDERAL INCOME TAX PURPOSES. THE  
14 TERMS SHALL NOT INCLUDE AMOUNTS DEDUCTED BY THE EMPLOYER  
15 UNDER THE CONTRACT OF HIRING FOR LABOR FURNISHED OR PAID  
16 FOR BY THE EMPLOYER AND NECESSARY FOR THE PERFORMANCE OF  
17 THE CONTRACT BY THE EMPLOYEE, NOR SHALL THE TERMS INCLUDE  
18 DEDUCTIONS FROM WAGES DUE TO THE EMPLOYER FOR RENT AND  
19 SUPPLIES NECESSARY FOR THE EMPLOYEE'S USE IN THE  
20 PERFORMANCE OF THEIR LABOR, NOR SHALL THE TERMS INCLUDE  
21 FRINGE BENEFITS, INCLUDING, BUT NOT LIMITED TO, EMPLOYER  
22 PAYMENTS FOR OR CONTRIBUTIONS TO A RETIREMENT, PENSION,  
23 HEALTH AND WELFARE, LIFE INSURANCE, SOCIAL SECURITY OR  
24 ANY OTHER PLAN FOR THE BENEFIT OF THE EMPLOYEE OR THEIR  
25 DEPENDENTS.

26 (IX) THE AMOUNT OF ANY BONUS, INCENTIVE OR VACATION  
27 PAYMENT EARNED ON AN ANNUAL BASIS SHALL BE EXCLUDED FROM  
28 THE CALCULATIONS UNDER SUBPARAGRAPHS (I), (II), (III),  
29 (IV), (V) AND (VI). THE PAYMENTS, IF ANY, SHALL INSTEAD  
30 BE DIVIDED BY 52 AND THE AMOUNT SHALL BE ADDED TO THE

1 AVERAGE WEEKLY WAGE OTHERWISE CALCULATED UNDER  
2 SUBPARAGRAPHS (I), (II), (III), (IV), (V) AND (VI). IF  
3 THE EMPLOYEE IS WORKING UNDER CONCURRENT CONTRACTS WITH  
4 TWO OR MORE EMPLOYERS, THE WAGES FROM ALL EMPLOYERS SHALL  
5 BE CONSIDERED AS IF EARNED FROM THE EMPLOYER LIABLE FOR  
6 COMPENSATION.

7 (B) LIMITATION.--

8 (1) THE APPLICATION OF THE STATEWIDE AVERAGE WEEKLY WAGE  
9 ON A CLAIM SHALL BEGIN ON THE DATE THAT A BIRTH OR SERIOUS  
10 HEALTH CONDITION ARISES.

11 (2) IF A CLAIM CARRIES OVER FROM ONE YEAR INTO ANOTHER  
12 AND THE STATEWIDE AVERAGE WEEKLY WAGE IS ADJUSTED, THE MOST  
13 RECENT STATEWIDE AVERAGE WEEKLY WAGE SHALL BE USED IN ALL  
14 FUTURE PAYMENTS.

15 (C) ADJUSTMENT.--THE DEPARTMENT SHALL ADJUST THE MAXIMUM  
16 FAMILY AND MEDICAL LEAVE CAP ESTABLISHED IN SUBSECTION (A)  
17 ANNUALLY BASED ON THE STATEWIDE AVERAGE WEEKLY WAGE AND SHALL  
18 TRANSMIT NOTICE OF THE REVISED FAMILY AND MEDICAL LEAVE BENEFIT  
19 RATES TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE  
20 NEXT AVAILABLE ISSUE OF THE PENNSYLVANIA BULLETIN ON AN ANNUAL  
21 BASIS.

22 (D) LIMIT ON TAKING OF BENEFITS AND NONSEQUENTIAL LEAVE.--  
23 UNDER THIS SECTION AND SECTION 306, BENEFITS ARE NOT PAYABLE FOR  
24 LESS THAN EIGHT HOURS OF LEAVE TAKEN IN ONE WORK WEEK.  
25 SECTION 306. REDUCED LEAVE SCHEDULE.

26 (A) TAKING OF NONSEQUENTIAL LEAVE.--A COVERED INDIVIDUAL  
27 SHALL BE ENTITLED TO UTILIZE THE LEAVE AUTHORIZED UNDER SECTION  
28 304, AT THE OPTION OF THE COVERED INDIVIDUAL, TO TAKE LEAVE ON  
29 AN INTERMITTENT OR REDUCED LEAVE SCHEDULE IN WHICH ALL OF THE  
30 LEAVE AUTHORIZED UNDER THIS ACT IS NOT TAKEN SEQUENTIALLY.

1 FAMILY AND MEDICAL LEAVE BENEFITS FOR INTERMITTENT OR REDUCED  
2 LEAVE SCHEDULES SHALL BE PRORATED.

3 (B) IMPACT ON DURATION OF LEAVE.--NONSEQUENTIAL LEAVE TAKEN  
4 UNDER THIS SECTION MAY NOT RESULT IN A REDUCTION IN THE TOTAL  
5 AMOUNT OF FAMILY AND MEDICAL LEAVE TO WHICH A COVERED INDIVIDUAL  
6 IS ENTITLED BEYOND THE AMOUNT OF LEAVE ACTUALLY TAKEN.

7 (C) TOTAL AMOUNT OF LEAVE ALLOWED.--NOTHING IN THIS SECTION  
8 SHALL BE CONSTRUED TO ENABLE A COVERED INDIVIDUAL TO TAKE MORE  
9 LEAVE THAN ALLOWED UNDER SECTION 304.

10 SECTION 307. EMPLOYMENT PROTECTIONS.

11 (A) RESTORATION OF EMPLOYMENT POSITION.--A COVERED  
12 INDIVIDUAL WHO TAKES LEAVE IN ACCORDANCE WITH THIS ACT SHALL,  
13 UPON THE EXPIRATION OF THAT LEAVE, BE RESTORED BY THE EMPLOYER  
14 TO THE POSITION PREVIOUSLY HELD BY THE COVERED INDIVIDUAL WHEN  
15 THE LEAVE COMMENCED, OR TO A POSITION WITH EQUIVALENT SENIORITY,  
16 STATUS, EMPLOYMENT BENEFITS, PAY AND OTHER TERMS AND CONDITIONS  
17 OF EMPLOYMENT.

18 (B) HEALTH CARE BENEFITS MAINTAINED.--

19 (1) FOR THE DURATION OF A LEAVE APPROVED UNDER THIS ACT,  
20 THE EMPLOYER SHALL MAINTAIN ANY HEALTH CARE BENEFITS THAT THE  
21 COVERED INDIVIDUAL HAD PRIOR TO TAKING LEAVE AS IF THE  
22 COVERED INDIVIDUAL HAD CONTINUED IN EMPLOYMENT CONTINUOUSLY  
23 FROM THE DATE LEAVE COMMENCED UNTIL THE DATE THE LEAVE  
24 TERMINATES.

25 (2) A COVERED INDIVIDUAL SHALL CONTINUE TO PAY THE  
26 COVERED INDIVIDUAL'S SHARE OF THE COST OF HEALTH BENEFITS AS  
27 REQUIRED PRIOR TO THE COMMENCEMENT OF THE LEAVE.

28 (C) INTERFERENCE WITH BENEFITS.--IT SHALL BE UNLAWFUL FOR AN  
29 EMPLOYER OR ANY OTHER PERSON TO INTERFERE WITH, RESTRAIN OR DENY  
30 THE EXERCISE OF, OR THE ATTEMPT TO EXERCISE, A PROTECTION

1 AFFORDED UNDER THIS ACT.

2 (D) RETALIATION PROHIBITED.--AN EMPLOYER, TEMPORARY HELP  
3 COMPANY, EMPLOYMENT AGENCY, EMPLOYEE ORGANIZATION OR OTHER  
4 PERSON MAY NOT TAKE RETALIATORY PERSONNEL ACTION OR OTHERWISE  
5 DISCRIMINATE AGAINST A PERSON BECAUSE THE PERSON TOOK ACTION IN  
6 ACCORDANCE WITH THIS ACT, INCLUDING:

7 (1) APPLYING FOR OR USING BENEFITS OR TAKING LEAVE UNDER  
8 THIS ACT.

9 (2) COMMUNICATING TO THE EMPLOYER OR ANOTHER PERSON OR  
10 ENTITY AN INTENT TO FILE AND ACT ON A CLAIM, A COMPLAINT OR  
11 AN APPEAL WITH THE DEPARTMENT OR A COURT OF COMPETENT  
12 JURISDICTION.

13 (E) CONSIDERATION OF ABSENCE.--IT SHALL BE UNLAWFUL FOR AN  
14 EMPLOYER TO COUNT LEAVE TAKEN UNDER THIS ACT AS AN ABSENCE THAT  
15 MAY LEAD TO OR RESULT IN A RETALIATORY PERSONNEL ACTION.

16 (F) GOOD FAITH PROTECTION.--PROTECTIONS UNDER THIS SECTION  
17 SHALL APPLY TO A PERSON WHO MISTAKENLY BUT IN GOOD FAITH ALLEGES  
18 A VIOLATION OF THIS ACT.

19 SECTION 308. COORDINATION OF BENEFITS.

20 (A) LEAVE CONCURRENT WITH FEDERAL LAW.--LEAVE TAKEN UNDER  
21 THIS ACT THAT ALSO QUALIFIES AS LEAVE UNDER 29 U.S.C. CH. 28  
22 (RELATING TO FAMILY AND MEDICAL LEAVE) SHALL RUN CONCURRENTLY  
23 WITH LEAVE TAKEN UNDER 29 U.S.C. CH. 28.

24 (B) COORDINATION WITH OTHER PAID LEAVE.--

25 (1) SUBJECT TO PARAGRAPH (3), AN EMPLOYEE MAY ELECT TO  
26 UTILIZE PAID LEAVE AVAILABLE UNDER ANY OTHER FEDERAL OR STATE  
27 LAW, COLLECTIVE BARGAINING AGREEMENT OR EMPLOYER POLICY PRIOR  
28 TO RECEIVING BENEFITS UNDER THIS ACT, PROVIDED THAT THE PAID  
29 LEAVE DOES NOT CONFLICT WITH FEDERAL LAW.

30 (2) AN EMPLOYER SHALL PROVIDE ITS EMPLOYEES WITH WRITTEN

1 NOTICE OF THE OPPORTUNITY TO MAKE THE ELECTION AND SHALL  
2 INFORM EMPLOYEES HOW LEAVE WILL BE COORDINATED ABSENT AN  
3 ELECTION.

4 (3) THE AMOUNT OF PAID LEAVE TAKEN UNDER ANY OTHER  
5 FEDERAL OR STATE LAW, COLLECTIVE BARGAINING AGREEMENT OR  
6 EMPLOYER POLICY SHALL BE COUNTED AGAINST THE PAID LEAVE  
7 BENEFITS UNDER THIS ACT.

8 (C) EMPLOYER'S OBLIGATION.--THIS ACT DOES NOT DIMINISH AN  
9 EMPLOYER'S OBLIGATION TO COMPLY WITH ANY OF THE FOLLOWING THAT  
10 PROVIDES MORE GENEROUS LEAVE:

11 (1) A COLLECTIVE BARGAINING AGREEMENT.

12 (2) AN EMPLOYER POLICY.

13 (3) ANY OTHER FEDERAL OR STATE LAW.

14 (D) PROHIBITION ON SUBSEQUENT COLLECTIVE BARGAINING  
15 AGREEMENT OR EMPLOYER POLICY.--

16 (1) AN INDIVIDUAL'S RIGHT TO LEAVE AND THE PAYMENT OF  
17 BENEFITS UNDER THIS ACT MAY NOT BE DIMINISHED BY A COLLECTIVE  
18 BARGAINING AGREEMENT ENTERED INTO OR RENEWED, OR AN EMPLOYER  
19 POLICY ADOPTED OR RETAINED, ON OR AFTER THE EFFECTIVE DATE OF  
20 THIS PARAGRAPH.

21 (2) AN AGREEMENT BY AN INDIVIDUAL TO WAIVE THE  
22 INDIVIDUAL'S RIGHTS UNDER THIS ACT IS VOID AS AGAINST PUBLIC  
23 POLICY.

24 (E) IMPACT ON WORKERS' COMPENSATION ACT.--NOTHING IN THIS  
25 ACT SHALL BE CONSTRUED TO IMPACT THE PROVISIONS OF THE WORKERS'  
26 COMPENSATION ACT WITH REGARD TO WORK-RELATED INJURIES.

27 (F) IMPACT ON PUBLIC EMPLOYE RELATIONS ACT.--NOTHING IN THIS  
28 ACT SHALL BE CONSTRUED TO SUPERSEDE OR PREEMPT:

29 (1) THE RIGHTS, REMEDIES AND PROCEDURES AFFORDED TO  
30 EMPLOYEES OR LABOR ORGANIZATIONS UNDER FEDERAL OR STATE LAW,

1 INCLUDING THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN  
2 AS THE PUBLIC EMPLOYE RELATIONS ACT; OR

3 (2) ANY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT  
4 THAT IS NEGOTIATED BETWEEN AN EMPLOYER AND AN EXCLUSIVE  
5 REPRESENTATIVE OF THE EMPLOYEES IN ACCORDANCE WITH THE PUBLIC  
6 EMPLOYE RELATIONS ACT AND THAT IS ENTERED INTO BEFORE THE  
7 EFFECTIVE DATE OF THIS PARAGRAPH.

8 CHAPTER 5

9 ADMINISTRATION AND PROCEDURES

10 SECTION 501. NOTICE.

11 (A) EMPLOYER NOTICE TO EMPLOYEES.--UPON INITIAL HIRING OF AN  
12 EMPLOYEE, AND ANNUALLY THEREAFTER, AN EMPLOYER SHALL PROVIDE  
13 WRITTEN NOTICE OF THE REQUIREMENTS OF THIS ACT USING THE NOTICES  
14 PREPARED AND POSTED BY THE DEPARTMENT UNDER SECTION 302.

15 (B) EMPLOYER ACKNOWLEDGMENT OF LEAVE REQUEST.--USING THE  
16 FORM PREPARED BY THE DEPARTMENT UNDER SECTION 302, AN EMPLOYER  
17 SHALL PROVIDE WRITTEN ACKNOWLEDGMENT TO AN EMPLOYEE WHEN THE  
18 EMPLOYEE REQUESTS LEAVE UNDER THIS ACT. THE ACKNOWLEDGMENT SHALL  
19 INCLUDE:

20 (1) AN EXPLANATION OF THE EMPLOYEE'S RIGHT TO BENEFITS  
21 UNDER THIS ACT AND THE TERMS FOR THE USE OF THE BENEFITS.

22 (2) THE AMOUNT OF BENEFITS.

23 (3) THE PROCEDURE FOR FILING A BENEFITS CLAIM WITH THE  
24 EMPLOYER.

25 (4) PROVISIONS ON JOB PROTECTION AND BENEFITS  
26 CONTINUATION UNDER SECTION 307.

27 (5) THE PROHIBITION ON EMPLOYER DISCRIMINATION AND  
28 RETALIATORY PERSONNEL ACTION AGAINST A PERSON FOR REQUESTING,  
29 APPLYING FOR OR USING LEAVE AS PROVIDED IN SECTION 307.

30 (6) THE EMPLOYEE'S ABILITY TO FILE A COMPLAINT ALLEGING

1 A VIOLATION OF THIS ACT.

2 (C) PUBLIC DISPLAY OF NOTICE.--USING THE ABSTRACT FOR  
3 EMPLOYER POSTING AVAILABLE ON THE DEPARTMENT'S PUBLICLY  
4 ACCESSIBLE INTERNET WEBSITE, AN EMPLOYER SHALL DISPLAY AND  
5 MAINTAIN A POSTER IN A CONSPICUOUS PLACE ACCESSIBLE TO EMPLOYEES  
6 AT THE EMPLOYER'S PLACE OF BUSINESS THAT CONTAINS THE  
7 INFORMATION REQUIRED BY THIS SECTION IN ENGLISH AND SPANISH,  
8 WITH CONSIDERATION TO THE INCLUSION OF OTHER SIGNIFICANT  
9 LANGUAGES SPOKEN IN THE WORKPLACE.

10 (D) EMPLOYEE NOTICE TO EMPLOYER.--

11 (1) WHEN THE NEED FOR LEAVE IS KNOWN TO THE EMPLOYEE AT  
12 LEAST 30 DAYS IN ADVANCE, THE EMPLOYEE SHALL PROVIDE WRITTEN  
13 OR VERBAL NOTICE TO THE EMPLOYER OF THE NEED AND SCHEDULE FOR  
14 TAKING LEAVE AT LEAST 30 DAYS PRIOR TO TAKING LEAVE.

15 (2) THE EMPLOYEE SHALL MAKE A REASONABLE EFFORT TO  
16 SCHEDULE LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE  
17 OPERATIONS OF THE EMPLOYER.

18 (3) FOR ALL OTHER ABSENCES, THE EMPLOYEE SHALL NOTIFY  
19 THE EMPLOYER AS SOON AS PRACTICABLE, INCLUDING IF THE NEED  
20 ARISES IMMEDIATELY BEFORE OR AFTER THE EMPLOYEE HAS REPORTED  
21 FOR WORK.

22 SECTION 502. ERRONEOUS PAYMENTS AND DISQUALIFICATION FOR  
23 BENEFITS.

24 (A) EMPLOYEE DISQUALIFICATION.--A COVERED INDIVIDUAL IS  
25 DISQUALIFIED FROM RECEIVING BENEFITS FOR ONE YEAR IF THE  
26 EMPLOYER DETERMINES THAT THE COVERED INDIVIDUAL WILLFULLY MADE A  
27 FALSE STATEMENT OR MISREPRESENTATION REGARDING A MATERIAL FACT,  
28 OR WILLFULLY FAILED TO REPORT A MATERIAL FACT, TO OBTAIN  
29 BENEFITS.

30 (B) INCORRECT PAYMENT OF BENEFITS.--

1 (1) IF BENEFITS ARE PAID ERRONEOUSLY WITHOUT FAULT OR  
2 FOR A CLAIM THAT IS SUBSEQUENTLY REJECTED AFTER BENEFITS ARE  
3 PAID, THE EMPLOYER MAY SEEK REPAYMENT THROUGH A REASONABLE  
4 REDUCTION IN ANY FUTURE BENEFITS DUE THE RECIPIENT.

5 (2) IF BENEFITS ARE PAID AS A RESULT OF WILLFUL  
6 MISREPRESENTATION BY THE RECIPIENT, THE RECIPIENT SHALL BE  
7 LIABLE TO REPAY A SUM EQUAL TO THE AMOUNT OF BENEFITS DERIVED  
8 THROUGH THAT WILLFUL MISREPRESENTATION AND THE RECIPIENT  
9 SHALL BE FURTHER DISQUALIFIED FOR BENEFITS AS SPECIFIED IN  
10 SUBSECTION (A).

11 (C) PROOF OF WAGES.--DURING THE APPEALS PROCESS AS  
12 ESTABLISHED UNDER SECTION 302(5), A COVERED EMPLOYEE'S PROOF OF  
13 WAGES MAY BE PROVEN:

14 (1) BY ANY OF THE FOLLOWING:

15 (I) A CHECK, CHECK STUB OR PAYROLL RECORD.

16 (II) A TAX RETURN, INCLUDING IRS FORM W-2 AND FORM  
17 1099, OR ANY SUCCESSOR FORM.

18 (III) UNEMPLOYMENT COMPENSATION RECORDS, INCLUDING  
19 FORM UC-2A REGARDING EMPLOYER'S QUARTERLY REPORT OF WAGES  
20 PAID TO EACH EMPLOYEE, OR ANY OTHER DOCUMENTATION DEEMED  
21 ACCEPTABLE BY THE DEPARTMENT.

22 (IV) BANK STATEMENTS OR RECORDS SHOWING REGULAR AND  
23 RECURRING DEPOSITS.

24 (V) WRITTEN DOCUMENTATION CREATED CONTEMPORANEOUSLY  
25 WITH THE PAYMENT OF WAGES.

26 (2) BY TESTIMONY OF THE EMPLOYER THAT IS PRESENTED UNDER  
27 OATH AT A HEARING UNDER SECTION 504; OR

28 (3) BY TESTIMONY OF THE COVERED EMPLOYEE, IF FOUND  
29 CREDIBLE BY THE JUDGE DURING A HEARING UNDER SECTION 504.

30 SECTION 503. VIOLATIONS.

1 AN EMPLOYER THAT VIOLATES THE REQUIREMENTS OF SECTIONS 307,  
2 308 OR 501 SHALL BE SUBJECT TO THE PENALTIES AS SPECIFIED IN 29  
3 U.S.C. § 2617 (RELATING TO ENFORCEMENT).

4 SECTION 504. JUDICIAL REVIEW.

5 JUDICIAL REVIEW OF ANY DECISION REGARDING THE DENIAL OF  
6 BENEFITS OR AN APPEAL OF ANY VIOLATION OF THIS ACT SHALL BE  
7 PERMITTED IN COMMONWEALTH COURT, AS REQUIRED UNDER 42 PA.C.S. §  
8 763 (RELATING TO DIRECT APPEALS FROM GOVERNMENT AGENCIES), AFTER  
9 A PARTY AGGRIEVED THEREBY HAS EXHAUSTED ALL ADMINISTRATIVE  
10 REMEDIES ESTABLISHED BY THE DEPARTMENT.

11 SECTION 505. REGULATIONS.

12 (A) AUTHORIZATION.--THE DEPARTMENT SHALL PROMULGATE  
13 REGULATIONS NECESSARY TO IMPLEMENT, ADMINISTER AND ENFORCE THIS  
14 ACT. THE REGULATIONS MUST INCLUDE A SYSTEM TO ADDRESS  
15 ADMINISTRATIVE COMPLAINTS, REQUIREMENTS FOR ELIGIBILITY FOR  
16 BENEFITS, THE ADJUDICATION OF CLAIMS, THE DENIAL OF BENEFITS,  
17 VIOLATIONS OF THIS ACT, APPEALS OF ADVERSE DETERMINATIONS,  
18 ENFORCEMENT AND OTHER RELEVANT MATTERS IN ACCORDANCE WITH THIS  
19 ACT.

20 (B) TEMPORARY REGULATIONS.--

21 (1) TO FACILITATE THE PROMPT IMPLEMENTATION OF THIS ACT  
22 AND IN ACCORDANCE WITH THIS ACT, THE DEPARTMENT SHALL, NO  
23 LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS  
24 PARAGRAPH, ISSUE TEMPORARY REGULATIONS AS MAY BE NECESSARY  
25 AND APPROPRIATE TO IMPLEMENT, ADMINISTER AND ENFORCE THIS  
26 ACT. REGULATIONS ADOPTED AFTER THIS SIX-MONTH PERIOD SHALL BE  
27 PROMULGATED AS PROVIDED BY STATUTE.

28 (2) UPON THE ISSUANCE OF THE TEMPORARY REGULATIONS, THE  
29 DEPARTMENT SHALL TRANSMIT NOTICE OF THE ISSUANCE OF THE  
30 TEMPORARY REGULATIONS TO THE LEGISLATIVE REFERENCE BUREAU FOR

1 PUBLICATION IN THE NEXT AVAILABLE ISSUE OF THE PENNSYLVANIA  
2 BULLETIN.

3 (3) THE DEPARTMENT SHALL POST THE TEMPORARY REGULATIONS  
4 ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE.

5 (4) THE TEMPORARY REGULATIONS SHALL EXPIRE NO LATER THAN  
6 TWO YEARS FOLLOWING PUBLICATION OF THE TEMPORARY REGULATIONS  
7 IN THE PENNSYLVANIA BULLETIN.

8 (5) THE TEMPORARY REGULATIONS SHALL BE EXEMPT FROM THE  
9 FOLLOWING:

10 (I) SECTION 612 OF THE ACT OF APRIL 9, 1929  
11 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF  
12 1929.

13 (II) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT  
14 OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE  
15 COMMONWEALTH DOCUMENTS LAW.

16 (III) SECTIONS 204(B) AND 301(10) OF THE ACT OF  
17 OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE  
18 COMMONWEALTH ATTORNEYS ACT.

19 (IV) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),  
20 KNOWN AS THE REGULATORY REVIEW ACT.

21 (C) PERMANENT REGULATIONS.--PRIOR TO THE EXPIRATION OF THE  
22 TEMPORARY REGULATIONS, THE DEPARTMENT SHALL PROPOSE FOR APPROVAL  
23 OF PERMANENT REGULATIONS AS PROVIDED BY STATUTE.

24 SECTION 506. RIGHT OF ACTION.

25 (A) CIVIL ACTION BY EMPLOYEE.--AN ACTION TO RECOVER DAMAGES  
26 OR OTHER APPROPRIATE CIVIL OR EQUITABLE RELIEF FOR A VIOLATION  
27 OF SECTION 307, 308 OR 501 MAY BE MAINTAINED AGAINST AN EMPLOYER  
28 IN A COURT OF COMPETENT JURISDICTION IN THE COMMONWEALTH BY ONE  
29 OR MORE EMPLOYEES.

30 (B) FEES AND COSTS.--THE COURT, IN AN ACTION UNDER THIS

1 SECTION, SHALL, IN ADDITION TO ANY JUDGMENT AWARDED TO THE  
2 PLAINTIFF, ALLOW REASONABLE ATTORNEY FEES AND OTHER COSTS OF THE  
3 ACTION TO BE PAID BY THE DEFENDANT.

4 (C) LIMITATIONS.--AN ACTION BROUGHT BY AN EMPLOYEE UNDER  
5 SUBSECTION (A) SHALL TERMINATE ON THE FILING OF A COMPLAINT BY  
6 THE SECRETARY IN AN ACTION UNDER SUBSECTION (D).

7 (D) CIVIL ACTION BY SECRETARY.--THE SECRETARY MAY BRING AN  
8 ACTION IN COMMONWEALTH COURT TO RECOVER DAMAGES AND OTHER  
9 APPROPRIATE RELIEF.

10 (E) MONEY RECOVERED BY SECRETARY.--ANY MONEY RECOVERED BY  
11 THE SECRETARY UNDER SUBSECTION (D) SHALL BE HELD IN A SPECIAL  
12 DEPOSIT ACCOUNT AND SHALL BE PAID DIRECTLY TO EACH EMPLOYEE  
13 AFFECTED WITHIN 60 DAYS OF RECEIPT.

#### 14 CHAPTER 7

#### 15 ACCOUNT AND PROGRAM

16 SECTION 701. PAID FAMILY AND MEDICAL LEAVE ACCOUNT.

17 (A) ESTABLISHMENT.--THE PAID FAMILY AND MEDICAL LEAVE  
18 ACCOUNT IS ESTABLISHED AS A RESTRICTED ACCOUNT IN THE GENERAL  
19 FUND.

20 (B) USE OF MONEY.--MONEY IN THE ACCOUNT IS APPROPRIATED TO  
21 THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT ON A  
22 CONTINUING BASIS TO PROVIDE GRANTS IN ACCORDANCE WITH SECTION  
23 702.

24 (C) CONTRIBUTIONS.--

25 (1) THE STATE TREASURER MAY ACCEPT MONEY FOR THE  
26 PURPOSES DESCRIBED IN SECTION 702, INCLUDING MONEY  
27 APPROPRIATED BY THE GENERAL ASSEMBLY, GIFTS, DONATIONS,  
28 LEGACIES OR ANY OTHER REVENUES, INCLUDING ALLOWABLE FEDERAL  
29 MONEY, FOR DEPOSIT INTO THE ACCOUNT.

30 (2) ANY INTEREST THAT ACCRUES IN THE ACCOUNT SHALL

1       REMAIN IN THE ACCOUNT.

2       SECTION 702. PAID FAMILY AND MEDICAL LEAVE GRANT PROGRAM.

3       (A) ESTABLISHMENT.--THE PAID FAMILY AND MEDICAL LEAVE GRANT  
4       PROGRAM IS ESTABLISHED WITHIN THE DEPARTMENT OF COMMUNITY AND  
5       ECONOMIC DEVELOPMENT AS A GRANT PROGRAM FOR ELIGIBLE EMPLOYERS  
6       TO ASSIST WITH THE COSTS OF PROVIDING PAID FAMILY AND MEDICAL  
7       LEAVE TO COVERED EMPLOYEES.

8       (B) GRANTS.--SUBJECT TO AVAILABLE MONEY, THE DEPARTMENT OF  
9       COMMUNITY AND ECONOMIC DEVELOPMENT SHALL, TO THE EXTENT  
10      POSSIBLE, PRIORITIZE GRANTS FOR ELIGIBLE EMPLOYERS WITH THE  
11      HIGHEST SHARE OF BENEFITS PAID RELATIVE TO BUSINESS INCOME FOR  
12      THE YEAR IN WHICH THE GRANT IS REQUESTED.

13      (C) APPLICATION.--THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
14      DEVELOPMENT SHALL DEVELOP AN APPLICATION FOR ELIGIBLE EMPLOYERS  
15      TO APPLY FOR FUNDING UNDER THIS SECTION. THE APPLICATION SHALL  
16      BE POSTED ON THE PUBLICLY ACCESSIBLE INTERNET WEBSITE OF THE  
17      DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

18      (D) PROGRAM GUIDELINES.--

19           (1) NO LATER THAN SIX MONTHS AFTER PUBLICATION OF THE  
20      NOTICE UNDER SECTION 505(B)(2), THE DEPARTMENT OF COMMUNITY  
21      AND ECONOMIC DEVELOPMENT SHALL ESTABLISH GUIDELINES TO  
22      IMPLEMENT AND ADMINISTER THE PROGRAM.

23           (2) AS PART OF THE GUIDELINES, THE DEPARTMENT OF  
24      COMMUNITY AND ECONOMIC DEVELOPMENT:

25                   (I) MAY ESTABLISH A BUSINESS INCOME LIMIT CAP FOR  
26      ELIGIBLE EMPLOYERS APPLYING FOR GRANTS.

27                   (II) MAY ESTABLISH A PERCENTAGE REIMBURSEMENT LIMIT  
28      ON GRANTS RELATIVE TO AN ELIGIBLE EMPLOYER'S TOTAL AMOUNT  
29      OF BENEFITS PAID UNDER SECTION 305.

30                   (III) SHALL ESTABLISH WHAT IS REQUIRED TO BECOME AN

1 ELIGIBLE EMPLOYER THAT MAY RECEIVE A GRANT UNDER THE  
2 PROGRAM, INCLUDING THE REQUIREMENT THAT THE ELIGIBLE  
3 EMPLOYER:

4 (A) IS SELF-EMPLOYED OR EMPLOYS FEWER THAN 50  
5 EMPLOYEES IN THIS COMMONWEALTH FOR EACH WORKING DAY  
6 DURING EACH OF 20 OR MORE CALENDAR WORKWEEKS IN THE  
7 CURRENT OR PRECEDING CALENDAR YEAR; AND

8 (B) PAID BENEFITS TO ITSELF OR COVERED EMPLOYEES  
9 UNDER SECTION 305.

10 (3) UPON THE ADOPTION OF THE GUIDELINES UNDER THIS  
11 SUBSECTION, THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
12 DEVELOPMENT SHALL:

13 (I) TRANSMIT NOTICE OF THE ADOPTION TO THE  
14 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE NEXT  
15 AVAILABLE ISSUE OF THE PENNSYLVANIA BULLETIN.

16 (II) POST THE GUIDELINES ON ITS PUBLICLY ACCESSIBLE  
17 INTERNET WEBSITE.

18 (E) OPERATIONS.--THE PROCESS FOR SUBMITTING AND REVIEWING AN  
19 APPLICATION AND AWARDED A GRANT UNDER THE PROGRAM SHALL TAKE  
20 EFFECT UPON THE PUBLICATION OF THE NOTICE UNDER SUBSECTION (D)  
21 (3).

22 (F) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE DEEMED  
23 TO CREATE A RIGHT OF AN ELIGIBLE EMPLOYER TO RECEIVE A GRANT  
24 UNDER THE PROGRAM.

25 (G) ADMINISTRATIVE FEE.--THE DEPARTMENT OF COMMUNITY AND  
26 ECONOMIC DEVELOPMENT MAY TAKE A REASONABLE ADMINISTRATIVE FEE,  
27 NOT TO EXCEED 5% OF MONEY DEPOSITED INTO THE ACCOUNT, FOR DIRECT  
28 COSTS ASSOCIATED WITH THE IMPLEMENTATION, ADMINISTRATION AND  
29 SERVICING OF THE PROGRAM.  
30 SECTION 703. REPORTING.

1 NO LATER THAN 180 DAYS AFTER THE CONCLUSION OF EACH FISCAL  
2 YEAR IN WHICH GRANTS UNDER THE PROGRAM ARE AWARDED, THE  
3 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT SHALL POST THE  
4 FOLLOWING INFORMATION ON ITS PUBLICLY ACCESSIBLE INTERNET  
5 WEBSITE:

6 (1) THE TOTAL AMOUNT OF GRANTS MADE IN THAT FISCAL YEAR.

7 (2) FOR EACH ELIGIBLE EMPLOYER THAT RECEIVED A GRANT  
8 UNDER THE PROGRAM IN THAT FISCAL YEAR:

9 (I) THE NAME OF THE ELIGIBLE EMPLOYER.

10 (II) THE COUNTY IN WHICH THE ELIGIBLE EMPLOYER IS  
11 LOCATED.

12 (III) THE AMOUNT OF THE GRANT RECEIVED BY THE  
13 ELIGIBLE EMPLOYER.

#### 14 CHAPTER 21

#### 15 MISCELLANEOUS PROVISIONS

16 SECTION 2101. EFFECTIVE DATE.

17 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

18 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

19 SECTION 505.

20 CHAPTER 7.

21 THIS SECTION.

22 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT SIX  
23 MONTHS AFTER THE PUBLICATION OF THE NOTICE UNDER SECTION  
24 505(B)(2).