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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 710 Session of  
2023

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INTRODUCED BY TOMLINSON, ISAACSON, CIRESI AND GALLOWAY,  
MARCH 27, 2023

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 27, 2023

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AN ACT

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

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16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 CHAPTER 1

19 PRELIMINARY PROVISIONS

20 Section 101. Short title.

21 This act shall be known and may be cited as the Family and  
22 Medical Leave Insurance Act.

23 Section 102. Legislative intent.

24 The General Assembly finds and declares as follows:

25 (1) Paid family and medical leave insurance promotes the  
26 physical and emotional health of children and their families.

27 (2) Paid family and medical leave insurance has a  
28 positive impact on economic stability and ensures competitive  
29 viability for all businesses, but particularly smaller  
30 businesses.

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

4 Section 103. Definitions.

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

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

11          "Benefits." The monetary allowances payable to a covered  
12 individual as family and medical leave insurance during an  
13 approved family and medical leave under the program in  
14 accordance with this act.

15          "Board." The Family and Medical Leave Insurance Advisory  
16 Board established under section 509.

17          "Claim." The filing of a written application with the  
18 department for the receipt of benefits.

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

22           (1) Is currently employed in this Commonwealth or was  
23 previously employed in this Commonwealth within 120 days of  
24 separation from employment.

25           (2) Meets the employment and income eligibility  
26 requirements specified in section 303.

27           (3) Meets the requirements of this act as to the receipt  
28 of benefits.

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

30          "Covered service member." A current or former member of the

1 armed forces of the United States, including a current or former  
2 member of a reserve component of the armed forces of the United  
3 States or the Pennsylvania National Guard, who meets any of the  
4 following requirements:

5 (1) Is undergoing medical treatment, recuperation or  
6 therapy.

7 (2) Is otherwise in outpatient status.

8 (3) Is on the temporary disability retired list for a  
9 serious injury or illness incurred in the line of duty on  
10 active duty in the armed forces of the United States or a  
11 serious injury or illness that existed before the beginning  
12 of the member's active duty that was aggravated by service in  
13 the line of duty on active duty in the armed forces of the  
14 United States, a reserve component of the armed forces of the  
15 United States or the Pennsylvania National Guard.

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

18 "Employee." An individual who is employed by an employer  
19 doing business in this Commonwealth.

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

22 "Family." Includes any of the following:

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

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

1 spouse or domestic partner was a minor child.

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

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

9 (5) An individual for whom the employee is responsible  
10 for providing or arranging care, including helping that  
11 individual obtain diagnostic, preventive, routine or  
12 therapeutic health treatment.

13 (6) Any other individual whose close association with  
14 the employee is the equivalent of an immediate family  
15 relationship.

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

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

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

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

30 "Medical certification." Written certification from a health

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

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

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

10 "Secretary." The Secretary of Labor and Industry of the  
11 Commonwealth.

12 "Serious health condition." An illness, injury, impairment,  
13 pregnancy, recovery from childbirth or physical or mental  
14 condition as described in 29 U.S.C. § 2611(11) (relating to  
15 definitions).

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

21 "Unemployment Compensation Law." The act of December 5, 1936  
22 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
23 Compensation Law.

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

## 26 CHAPTER 3

### 27 FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

28 Section 301. Family and Medical Leave Insurance Program.

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

30 (1) Within one year of the effective date of this

1 paragraph, the department shall establish the Family and  
2 Medical Leave Insurance Program.

3 (2) No later than two years following the establishment  
4 of the program, the department shall pay family and medical  
5 leave insurance benefits as specified in this act.

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

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

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

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

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

30 Section 302. Powers and duties of department.

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

8 (b) Powers and duties.--To fulfill its responsibilities  
9 under this act, the department shall have the following powers  
10 and duties:

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

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

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

23 (4) Prepare and provide the medical certification form  
24 referenced in section 303(d) on the department's publicly  
25 accessible Internet website.

26 (5) Prepare and provide the necessary forms for filing  
27 and acknowledging a benefits claim and for providing notice  
28 of benefits approval to both employers and covered individual  
29 employees.

30 (6) Develop the abstract for employer posting of notice



1 in the workplace under section 501, which shall be available  
2 on the department's publicly accessible Internet website.

3 (7) Prepare and provide the employee complaint form on  
4 the department's publicly accessible Internet website.

5 (8) Develop any and all forms necessary to ensure  
6 implementation of this act.

7 (9) Develop procedures to investigate and resolve  
8 complaints under this act.

9 (10) Conduct an ongoing public outreach campaign to  
10 inform employers and employees about the availability of the  
11 program and the process for filing a benefits claim.

12 (11) Promulgate regulations as necessary to administer  
13 this act.

14 (12) Issue an annual report under section 507.

15 (c) Enforcement of act.--The secretary shall establish a  
16 system for an administrative complaint and appeals process in  
17 the case of a denial of family and medical leave insurance  
18 benefits and all violations assessed under this act. In  
19 establishing the appeals system, the department may utilize  
20 procedures and appeals mechanisms established under the  
21 Unemployment Compensation Law. Procedures to ensure  
22 confidentiality of all information related to any claims filed  
23 or appeals taken shall be implemented in accordance with  
24 applicable laws.

25 Section 303. Eligibility for family and medical leave insurance  
26 benefits.

27 (a) Basis for receipt of benefits.--No later than two years  
28 following establishment of the program, benefits under this act  
29 shall be payable to a covered individual who files an approved  
30 claim based on any of the following:

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

4 (2) Is caring for a family member with a serious health  
5 condition.

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

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

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

15 (b) Employment and income eligibility requirements.--To be  
16 eligible to file a benefits claim, a covered individual must  
17 have:

18 (1) Worked at least 18 weeks during the 12-month period  
19 prior to submitting a claim.

20 (2) Earned at least \$2,718 in income during the 12-month  
21 period prior to submitting a claim. This earned income rate  
22 shall be adjusted annually by the department based on the  
23 Pennsylvania Unemployment Insurance Financial Eligibility  
24 Rules.

25 (c) Interaction with the Workers' Compensation Act and the  
26 Unemployment Compensation Law.--To file a benefits claim and  
27 receive benefits under this act, a covered individual cannot  
28 receive benefits for the same day under the Workers'  
29 Compensation Act or the Unemployment Compensation Law.

30 (d) Filing of benefits claim.--An individual seeking

1 benefits under this act shall submit a claim to the department  
2 providing the required documentation to support a claim for  
3 benefits, including any necessary medical certification.

4 (e) Medical certification.--A covered individual shall  
5 obtain a medical certification confirming a serious health  
6 condition under subsection (a) (2), (3) and (4) that justify the  
7 filing of a claim and the receipt of benefits under this act and  
8 shall make that information available to the department on the  
9 form prescribed by the department. Any completed medical  
10 certification form regarding a covered individual shall be  
11 entitled to the protections of the Health Insurance Portability  
12 and Accountability Act of 1996 (Public Law 104-191, 110 Stat.  
13 1936).

14 (f) Adjudication of claim.--Upon receipt of all necessary  
15 documentation to support a claim for benefits from a covered  
16 individual, the department shall determine eligibility for  
17 benefits under this act within five business days.

18 Section 304. Duration of benefits.

19 (a) Maximum leave duration of 20 weeks.--The maximum number  
20 of weeks during which benefits are payable under section 303(a)  
21 (1) or (3) in an application year is 20 weeks.

22 (b) Maximum leave duration of 12 weeks.--The maximum number  
23 of weeks during which benefits are payable under section 303(a)  
24 (2), (4) or (5) in an application year is 12 weeks.

25 (c) Total maximum duration.--The duration of leave under  
26 subsections (a) and (b) combined cannot exceed a total number of  
27 20 weeks in any one application year regardless of reason.

28 (d) Initial payment of benefits.--The first payment of  
29 benefits shall be made to a covered individual no later than one  
30 week:

1 (1) after the claim is filed and approved by the  
2 department; or

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

4 (e) Payment of benefits.--After the initial payment of  
5 benefits, subsequent payments shall be made semimonthly  
6 thereafter for the duration of the approved leave.

7 Section 305. Amount of benefits.

8 (a) Calculation of benefits.--The benefits payable to a  
9 covered individual shall be calculated as follows:

10 (1) the portion of a covered individual's average weekly  
11 wage that is equal to or less than 50% of the Statewide  
12 average weekly wage shall be replaced at a rate of 90%; and

13 (2) the portion of a covered individual's average weekly  
14 wage that exceeds 50% of the Statewide average weekly wage  
15 shall be replaced at a rate of 50%.

16 (b) Limitation.--In no case shall the weekly benefits  
17 payable to a covered individual be more than the Statewide  
18 average weekly wage.

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

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

29 Section 306. Contributions.

30 (a) Payment into the program.--All persons employed in this

1 Commonwealth shall be required to contribute to the program for  
2 the purpose of financing the program.

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

7 (c) Calculation of payroll premium contributions.--The  
8 amount payable through employee payroll premium contributions  
9 shall be set at 0.588% of an individual employee's wages to  
10 initiate payments into the program. The following apply:

11 (1) Every year thereafter, the department shall evaluate  
12 and determine the amount of payroll premium contributions and  
13 maximum employee contribution necessary to finance and  
14 adequately support the program.

15 (2) The premium contribution rate shall be the rate  
16 necessary to obtain a total amount of premium contributions  
17 equal to 125% of the benefits which were paid for the periods  
18 of leave during the last preceding full fiscal year plus an  
19 amount equal to 100% of the cost of administration of the  
20 fund during the last preceding full fiscal year, less the  
21 amount of net assets remaining in the fund as of December 31  
22 of the immediately preceding calendar year.

23 (3) The payroll premium contribution rate shall be  
24 posted on the department's publicly accessible Internet  
25 website.

26 (d) Notification to employers.--The department shall notify  
27 the Department of Revenue to advise employers of the amount  
28 payable through employee payroll premium contributions.

29 (e) Penalty for failure to withhold.--An employer who fails  
30 to withhold payroll premium contributions in accordance with

1 this act shall be subject to those penalties enforceable through  
2 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform  
3 Code of 1971, for failure to properly withhold wages for income  
4 tax and sales and use tax purposes.

5 Section 307. Reduced leave schedule.

6 (a) Taking of nonsequential leave.--A covered individual  
7 shall be entitled to utilize the leave authorized under section  
8 304, at the option of the covered individual, to take leave on  
9 an intermittent or reduced leave schedule in which all of the  
10 leave authorized under this act is not taken sequentially.  
11 Family and medical leave insurance benefits for intermittent or  
12 reduced leave schedules shall be prorated.

13 (b) Impact on duration of leave.--Nonsequential leave taken  
14 under this section shall not result in a reduction in the total  
15 amount of family and medical leave to which a covered individual  
16 is entitled beyond the amount of leave actually taken.

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

20 Section 308. Employment protections.

21 (a) Restoration of employment position.--Any covered  
22 individual who takes leave in accordance with this act shall,  
23 upon the expiration of that leave, be restored by the employer  
24 to the position previously held by the covered individual when  
25 the leave commenced, or to a position with equivalent seniority,  
26 status, employment benefits, pay and other terms and conditions  
27 of employment.

28 (b) Health care benefits maintained.--For the duration of a  
29 leave approved under this act, the employer shall maintain any  
30 health care benefits the covered individual had prior to taking

1 leave as if the covered individual had continued in employment  
2 continuously from the date leave was commenced until the date  
3 the leave terminates. A covered individual shall continue to pay  
4 the covered individual's share of the cost of health benefits as  
5 required prior to the commencement of the leave.

6 (c) Interference with benefits.--It shall be unlawful for an  
7 employer or any other person to interfere with, restrain or deny  
8 the exercise of, or the attempt to exercise, any protection  
9 afforded under this act.

10 (d) Retaliation prohibited.--An employer, temporary help  
11 company, employment agency, employee organization or other  
12 person shall not take retaliatory personnel action or otherwise  
13 discriminate against a person because the person took any action  
14 in accordance with this act, including:

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

17 (2) Communicating to the employer or any other person or  
18 entity an intent to file and act on a claim, a complaint or  
19 an appeal with the department or a court of competent  
20 jurisdiction.

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

24 (f) Good faith protection.--Protections under this section  
25 shall apply to any person who mistakenly but in good faith  
26 alleges a violation of this act.

27 (g) Definition.--As used in this section, the term  
28 "retaliatory personnel action" includes any threat, discipline,  
29 discharge, suspension, demotion, reduction of hours or any other  
30 adverse action taken against an employee for exercising the

1 rights and protections afforded by this act. The term also  
2 includes interference with or punishment for participating in or  
3 acting on a complaint or appeal under this act.

4 Section 309. Coordination of benefits.

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

9 (b) Coordination with other paid leave.--An employee may  
10 elect to utilize paid leave available under any other Federal or  
11 State law, collective bargaining agreement or employer policy  
12 prior to receiving benefits under this act. Employers shall  
13 provide employees with written notice of the opportunity to make  
14 the election, and inform employees how leave will be coordinated  
15 absent any election.

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

19 (1) A collective bargaining agreement.

20 (2) An employer policy.

21 (3) Any other Federal or State law.

22 (d) Prohibition on subsequent collective bargaining  
23 agreement or employer policy.--An individual's right to leave  
24 and the payment of benefits under this act may not be diminished  
25 by a collective bargaining agreement entered into or renewed, or  
26 an employer policy adopted or retained, after the effective date  
27 of this subsection. An agreement by an individual to waive the  
28 individual's rights under this act is void as against public  
29 policy.

30 (e) Impact on Workers' Compensation Act.--Nothing in this



1 act shall be construed to impact the provisions of the Workers'  
2 Compensation Act with regard to work-related injuries.

3 (f) Impact on Public Employe Relations Act.--Nothing in this  
4 act shall be construed to supersede or preempt the rights,  
5 remedies and procedures afforded to employees or labor  
6 organizations under Federal or State law, including the act of  
7 July 23, 1970 (P.L.563, No.195), known as the Public Employe  
8 Relations Act, or any provision of a collective bargaining  
9 agreement negotiated between an employer and an exclusive  
10 representative of the employees in accordance with the Public  
11 Employe Relations Act.

## 12 CHAPTER 5

### 13 ADMINISTRATION AND PROCEDURES

14 Section 501. Notice.

15 (a) Employer notice to employees.--Upon initial hiring of an  
16 employee, and annually thereafter, an employer shall provide  
17 written notice of the requirements of this act using the notices  
18 prepared and posted by the department under section 302.

19 (b) Employer acknowledgment of leave request.--Using the  
20 form prepared by the department under section 302, an employer  
21 shall provide written acknowledgment to an employee when the  
22 employee requests leave under this act. The acknowledgment shall  
23 include:

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

26 (2) The amount of benefits.

27 (3) The procedure for filing a benefits claim with the  
28 department.

29 (4) Provisions on job protection and benefits  
30 continuation under section 308.

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

4 (6) The employee's ability to file a complaint for  
5 violations of this act.

6 (c) Public display of notice.--Using the abstract for  
7 employer posting available on the department's publicly  
8 accessible Internet website, an employer shall display and  
9 maintain a poster in a conspicuous place accessible to employees  
10 at the employer's place of business that contains the  
11 information required by this section in English and Spanish,  
12 with consideration to the inclusion of other significant  
13 languages spoken in the workplace.

14 (d) Employee notice to employer.--When the need for leave is  
15 known to the employee at least 15 days in advance, the employee  
16 shall provide written or verbal notice to the employer of the  
17 need and schedule for taking leave at least 15 days prior to  
18 taking leave. The employee shall make a reasonable effort to  
19 schedule leave in a manner that does not unduly disrupt the  
20 operations of the employer. For all other absences, the employee  
21 shall notify the employer as soon as practicable, including if  
22 the need arises immediately before or after the employee has  
23 reported for work.

24 Section 502. Erroneous payments and disqualification for  
25 benefits.

26 (a) Employee disqualification.--A covered individual is  
27 disqualified from receiving benefits for one year if the  
28 individual is determined by the department to have willfully  
29 made a false statement or misrepresentation regarding a material  
30 fact, or willfully failed to report a material fact, to obtain

1 benefits under this act.

2 (b) Incorrect payment of benefits.--If benefits under this  
3 act are paid:

4 (1) Erroneously without fault or for a claim that is  
5 subsequently rejected after benefits are paid, the department  
6 may seek repayment through a reasonable reduction in any  
7 future benefits due the recipient.

8 (2) As a result of willful misrepresentation by the  
9 recipient, the recipient shall be liable to repay a sum equal  
10 to the amount of benefits derived through that willful  
11 misrepresentation and the recipient shall be further  
12 disqualified for benefits as specified in subsection (a).

13 Section 503. Elective coverage.

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

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

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

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

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

1 after filing the notice of withdrawal.

2 Section 504. Violations.

3 An employer that violates the requirements of sections 308,  
4 309 or 501 shall be subject to the penalties as specified in 29  
5 U.S.C. § 2617 (relating to enforcement).

6 Section 505. Judicial review.

7 Judicial review of any decision regarding the denial of  
8 benefits or an appeal of any violation of this act shall be  
9 permitted in a court of competent jurisdiction after a party  
10 aggrieved thereby has exhausted all administrative remedies  
11 established by the department.

12 Section 506. Family and Medical Leave Insurance Fund.

13 (a) Fund established.--The Family and Medical Leave  
14 Insurance Fund is established as a nonlapsing fund in the State  
15 Treasury.

16 (b) Deposit of money.--Money from employee payroll premium  
17 contributions paid under section 306 and any financial penalties  
18 imposed under this act shall be deposited into the fund and used  
19 by the department for the administration of the program and the  
20 payment of benefits to covered individuals.

21 (c) Continuing appropriation.--All money deposited in the  
22 fund and all interest accrued is appropriated to the department  
23 on a continuing basis to administer the program and provide  
24 benefits under this act.

25 (d) Limitations on fund.--

26 (1) No administrative action shall prevent the deposit  
27 of money into the fund in the fiscal year in which the money  
28 is received.

29 (2) The fund may only be used for the program authorized  
30 under this act. Money in the fund may not be transferred or

1 diverted to any other purpose by administrative action.

2 (e) Other deposits.--The department may deposit into the  
3 fund any other money received for the purposes specified in this  
4 act.

5 Section 507. Annual report.

6 (a) Annual report.--

7 (1) No later than September 1, 2027, and each September  
8 1 thereafter, the department shall submit a report to the  
9 chairperson and minority chairperson of the Labor and  
10 Industry Committee of the Senate and the chairperson and  
11 minority chairperson of the Labor and Industry Committee of  
12 the House of Representatives.

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

14 (i) Actual program participation by category as  
15 delineated in subparagraph (ii), including total number  
16 of leaves taken.

17 (ii) Beneficiary gender for leaves taken.

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

20 (iv) Payroll premium contribution rate calculations  
21 for the current and previous calendar year and projected  
22 rate calculations for the next three calendar years.

23 (v) Projected program participation over the next  
24 three calendar years.

25 (vi) Account balances.

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

27 (viii) Recommendations for improvements to the  
28 program.

29 (b) Public posting of annual report.--The department shall  
30 make the report available on the department's publicly

1 accessible Internet website. Monthly data should also be made  
2 available online.

3 Section 508. Public education.

4 (a) Outreach campaign.--

5 (1) The department shall conduct a public education  
6 campaign to inform employees and employers regarding the  
7 availability of family and medical leave benefits under this  
8 act.

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

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

15 (b) Community outreach.--The department may utilize outreach  
16 money to identify and assist appropriate community organizations  
17 in educating hard-to-reach populations or industries, including  
18 low-income employees, employees and employers in industries that  
19 do not typically provide paid family leave and employees and  
20 employers whose primary language is not English.

21 Section 509. Board.

22 (a) Establishment.--The department shall establish the  
23 Family and Medical Leave Insurance Advisory Board to assist in  
24 the implementation of the program and ensure effective public  
25 outreach regarding the availability of benefits under this act.

26 (b) Composition.--The board shall be composed of the  
27 following:

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

30 (2) The State Treasurer or a designee.

1 (3) The chairperson and minority chairperson of the  
2 Labor and Industry Committee of the Senate or a designee.

3 (4) The chairperson and minority chairperson of the  
4 Labor and Industry Committee of the House of Representatives  
5 or a designee.

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

9 (c) Terms.--

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

13 (2) Members specified under subsection (b)(5) shall  
14 serve four-year terms and shall not be eligible to serve more  
15 than two full consecutive terms.

16 (d) Quorum.--A majority of the members of the board  
17 participating in person or by video conference shall constitute  
18 a quorum.

19 (e) Meetings.--The board shall meet at the call of the chair  
20 and shall hold meetings at least biannually.

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

25 (g) Expenses.--Members shall not receive compensation but  
26 shall be reimbursed for actual expenses incurred in service of  
27 the board.

28 Section 510. Regulations.

29 The department shall promulgate regulations as necessary to  
30 implement and administer this act. Final form regulations shall

1 be promulgated no later than September 1, 2025.

2 CHAPTER 21

3 MISCELLANEOUS PROVISIONS

4 Section 2101. Effective date.

5 This act shall take effect in 180 days.