
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 181 Session of
2023

INTRODUCED BY D. MILLER, BENHAM, SCHLOSSBERG, DELLOSO, SIEGEL,
GUENST, HARKINS, SANCHEZ, VENKAT, MADDEN, BURGOS, GALLOWAY,
FIEDLER, KRAJEWSKI, FREEMAN, STURLA, KINKEAD, FRANKEL, OTTEN
AND O'MARA, MARCH 8, 2023

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 8, 2023

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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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 Insurance Act.

24 Section 102. Legislative intent.

25 The General Assembly finds and declares as follows:

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

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

1 businesses.

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

5 Section 103. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) Is otherwise in outpatient status.

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

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

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

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

23 "Family." Includes any of the following:

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

28 (2) A biological parent, foster parent, stepparent or
29 adoptive parent or legal guardian of an employee or an
30 employee's spouse or domestic partner or an individual who

1 stood in loco parentis when the employee or the employee's
2 spouse or domestic partner was a minor child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 CHAPTER 3

28 FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

29 Section 301. Family and Medical Leave Insurance Program.

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

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

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

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

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

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

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

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

1 Section 302. Powers and duties of department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 claim based on any of the following:

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

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

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

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

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

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

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

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

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

1 (d) Filing of benefits claim.--An individual seeking
2 benefits under this act shall submit a claim to the department
3 providing the required documentation to support a claim for
4 benefits, including any necessary medical certification.

5 (e) Medical certification.--A covered individual shall
6 obtain a medical certification confirming a serious health
7 condition under subsection (a) (2), (3) and (4) that justify the
8 filing of a claim and the receipt of benefits under this act and
9 shall make that information available to the department on the
10 form prescribed by the department. Any completed medical
11 certification form regarding a covered individual shall be
12 entitled to the protections of the Health Insurance Portability
13 and Accountability Act of 1996 (Public Law 104-191, 110 Stat.
14 1936).

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

19 Section 304. Duration of benefits.

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

23 (b) Maximum leave duration of 12 weeks.--The maximum number
24 of weeks during which benefits are payable under section 303(a)
25 (2), (4) or (5) in an application year is 12 weeks.

26 (c) Total maximum duration.--The duration of leave under
27 subsections (a) and (b) combined cannot exceed a total number of
28 20 weeks in any one application year regardless of reason.

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

1 week:

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

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

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

8 Section 305. Amount of benefits.

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

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

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

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

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

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

30 Section 306. Contributions.

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

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

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

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

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

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

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

30 (e) Penalty for failure to withhold.--An employer who fails

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

6 Section 307. Reduced leave schedule.

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

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

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

21 Section 308. Employment protections.

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

29 (b) Health care benefits maintained.--For the duration of a
30 leave approved under this act, the employer shall maintain any

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

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

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

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

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

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

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

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

1 adverse action taken against an employee for exercising the
2 rights and protections afforded by this act. The term also
3 includes interference with or punishment for participating in or
4 acting on a complaint or appeal under this act.

5 Section 309. Coordination of benefits.

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

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

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

- 20 (1) A collective bargaining agreement.
- 21 (2) An employer policy.
- 22 (3) Any other Federal or State law.

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

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

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

13 CHAPTER 5

14 ADMINISTRATION AND PROCEDURES

15 Section 501. Notice.

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

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

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

27 (2) The amount of benefits.

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

30 (4) Provisions on job protection and benefits

1 continuation under section 308.

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

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

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

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

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

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

1 fact, or willfully failed to report a material fact, to obtain
2 benefits under this act.

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

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

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

14 Section 503. Elective coverage.

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

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

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

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

26 (b) Withdrawal from coverage.--A self-employed person who
27 has elected coverage may withdraw from coverage within 30 days
28 after the end of the three-year period of coverage, or at other
29 times as the department may prescribe. Upon filing written
30 notice with the department, the self-employed person's

1 withdrawal from coverage shall take effect no later than 30 days
2 after filing the notice of withdrawal.

3 Section 504. Violations.

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

7 Section 505. Judicial review.

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

13 Section 506. Family and Medical Leave Insurance Fund.

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

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

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

26 (d) Limitations on fund.--

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

30 (2) The fund may only be used for the program authorized

1 under this act. Money in the fund may not be transferred or
2 diverted to any other purpose by administrative action.

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

6 Section 507. Annual report.

7 (a) Annual report.--

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

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

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

18 (ii) Beneficiary gender for leaves taken.

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

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

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

26 (vi) Account balances.

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

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

30 (b) Public posting of annual report.--The department shall

1 make the report available on the department's publicly
2 accessible Internet website. Monthly data should also be made
3 available online.

4 Section 508. Public education.

5 (a) Outreach campaign.--

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

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

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

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

22 Section 509. Board.

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

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

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

1 (2) The State Treasurer or a designee.

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

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

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

10 (c) Terms.--

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

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

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

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

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

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

29 Section 510. Regulations.

30 The department shall promulgate regulations as necessary to

1 implement and administer this act. Final form regulations shall
2 be promulgated no later than September 1, 2025.

3 CHAPTER 21

4 MISCELLANEOUS PROVISIONS

5 Section 2101. Effective date.

6 This act shall take effect in 180 days.