
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1295 Session of
2014

INTRODUCED BY LEACH, FERLO, TEPLITZ, COSTA, FONTANA, FARNESE,
BREWSTER, BROWNE, WARD, ARGALL AND STACK, MARCH 31, 2014

REFERRED TO STATE GOVERNMENT, MARCH 31, 2014

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),
2 entitled, as amended, "An act prohibiting certain practices
3 of discrimination because of race, color, religious creed,
4 ancestry, age or national origin by employers, employment
5 agencies, labor organizations and others as herein defined;
6 creating the Pennsylvania Human Relations Commission in the
7 Governor's Office; defining its functions, powers and duties;
8 providing for procedure and enforcement; providing for
9 formulation of an educational program to prevent prejudice;
10 providing for judicial review and enforcement and imposing
11 penalties," further providing for findings and declaration of
12 policy, for right to freedom from discrimination in
13 employment, housing and public accommodation; defining
14 "marital status"; and further providing for unlawful
15 discriminatory practices.

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

18 Section 1. Sections 2 and 3 of the act of October 27, 1955
19 (P.L.744, No.222), known as the Pennsylvania Human Relations
20 Act, amended December 20, 1991 (P.L.414, No.51), are amended to
21 read:

22 Section 2. Findings and Declaration of Policy.--

23 (a) The practice or policy of discrimination against
24 individuals or groups by reason of their race, color, familial

1 status, marital status, religious creed, ancestry, age, sex,
2 national origin, handicap or disability, use of guide or support
3 animals because of the blindness, deafness or physical handicap
4 of the user or because the user is a handler or trainer of
5 support or guide animals is a matter of concern of the
6 Commonwealth. Such discrimination foments domestic strife and
7 unrest, threatens the rights and privileges of the inhabitants
8 of the Commonwealth, and undermines the foundations of a free
9 democratic state. The denial of equal employment, housing and
10 public accommodation opportunities because of such
11 discrimination, and the consequent failure to utilize the
12 productive capacities of individuals to their fullest extent,
13 deprives large segments of the population of the Commonwealth of
14 earnings necessary to maintain decent standards of living,
15 necessitates their resort to public relief and intensifies group
16 conflicts, thereby resulting in grave injury to the public
17 health and welfare, compels many individuals to live in
18 dwellings which are substandard, unhealthful and overcrowded,
19 resulting in racial segregation in public schools and other
20 community facilities, juvenile delinquency and other evils,
21 thereby threatening the peace, health, safety and general
22 welfare of the Commonwealth and its inhabitants.

23 (b) It is hereby declared to be the public policy of this
24 Commonwealth to foster the employment of all individuals in
25 accordance with their fullest capacities regardless of their
26 race, color, religious creed, familial status, marital status,
27 ancestry, age, sex, national origin, handicap or disability, use
28 of guide or support animals because of the blindness, deafness
29 or physical handicap of the user or because the user is a
30 handler or trainer of support or guide animals, and to safeguard

1 their right to obtain and hold employment without such
2 discrimination, to assure equal opportunities to all individuals
3 and to safeguard their rights to public accommodation and to
4 secure housing accommodation and commercial property regardless
5 of race, color, familial status, marital status, religious
6 creed, ancestry, age, sex, national origin, handicap or
7 disability, use of guide or support animals because of blindness
8 or deafness of the user or because the user is a handler or
9 trainer of guide or support animals.

10 (c) This act shall be deemed an exercise of the police power
11 of the Commonwealth for the protection of the public welfare,
12 prosperity, health and peace of the people of the Commonwealth
13 of Pennsylvania.

14 Section 3. Right to Freedom from Discrimination in
15 Employment, Housing and Public Accommodation.--The opportunity
16 for an individual to obtain employment for which he is
17 qualified, and to obtain all the accommodations, advantages,
18 facilities and privileges of any public accommodation and of any
19 housing accommodation and commercial property without
20 discrimination because of race, color, familial status, marital
21 status, religious creed, ancestry, handicap or disability, age,
22 sex, national origin, the use of a guide or support animal
23 because of the blindness, deafness or physical handicap of the
24 user or because the user is a handler or trainer of support or
25 guide animals is hereby recognized as and declared to be a civil
26 right which shall be enforceable as set forth in this act.

27 Section 2. Section 4(t) of the act, amended July 12, 1996
28 (P.L.684, No.117), is amended and the section is amended by
29 adding a clause to read:

30 Section 4. Definitions.--As used in this act unless a

1 different meaning clearly appears from the context:

2 * * *

3 (t) The term "familial status" means one or more individuals
4 who have not attained the age of eighteen years being domiciled
5 with:

6 (1) a parent or other person having legal custody of such
7 individual or individuals; or

8 (2) the designee of such parent or other person having such
9 custody, with the written permission of such parent or other
10 person.

11 The term includes an individual who is a provider of care, or is
12 perceived to be a provider of care, for a family member, whether
13 in the past, present or future. The term "family member" shall
14 include the employe's spouse, domestic partner, children,
15 including through adoption or other legal custodial
16 relationship, household members, parents and all other persons
17 related to the employe and the employe's spouse and children by
18 marriage, blood or consanguinity.

19 The protections afforded against discrimination on the basis of
20 familial status shall apply to any person who is pregnant or is
21 in the process of securing legal custody of any individual who
22 has not attained the age of 18 years.

23 * * *

24 (bb) The term "marital status" means whether a person is
25 single, married, divorced, separated or widowed.

26 Section 3. Section 5(a), (b), (c), (f) and (g) of the act,
27 amended December 20, 1991 (P.L.414, No.51), are amended to read:

28 Section 5. Unlawful Discriminatory Practices.--It shall be
29 an unlawful discriminatory practice, unless based upon a bona
30 fide occupational qualification, or in the case of a fraternal

1 corporation or association, unless based upon membership in such
2 association or corporation, or except where based upon
3 applicable security regulations established by the United States
4 or the Commonwealth of Pennsylvania:

5 (a) For any employer because of the race, color, religious
6 creed, ancestry, familial status, marital status, age, sex,
7 national origin or non-job related handicap or disability or the
8 use of a guide or support animal because of the blindness,
9 deafness or physical handicap of any individual or independent
10 contractor, to refuse to hire or employ or contract with, or to
11 bar or to discharge from employment such individual or
12 independent contractor, or to otherwise discriminate against
13 such individual or independent contractor with respect to
14 compensation, hire, tenure, terms, conditions or privileges of
15 employment or contract, if the individual or independent
16 contractor is the best able and most competent to perform the
17 services required. The provision of this paragraph shall not
18 apply, to (1) operation of the terms or conditions of any bona
19 fide retirement or pension plan which have the effect of a
20 minimum service requirement, (2) operation of the terms or
21 conditions of any bona fide group or employe insurance plan, (3)
22 age limitations placed upon entry into bona fide apprenticeship
23 programs of two years or more approved by the State
24 Apprenticeship and Training Council of the Department of Labor
25 and Industry, established by the act of July 14, 1961 (P.L.604,
26 No.304), known as "The Apprenticeship and Training Act."
27 Notwithstanding any provision of this clause, it shall not be an
28 unlawful employment practice for a religious corporation or
29 association to hire or employ on the basis of sex in those
30 certain instances where sex is a bona fide occupational

1 qualification because of the religious beliefs, practices, or
2 observances of the corporation, or association.

3 (b) For any employer, employment agency or labor
4 organization, prior to the employment, contracting with an
5 independent contractor or admission to membership, to:

6 (1) Elicit any information or make or keep a record of or
7 use any form of application or application blank containing
8 questions or entries concerning the race, color, religious
9 creed, ancestry, familial status, marital status, age, sex,
10 national origin, past handicap or disability or the use of a
11 guide or support animal because of the blindness, deafness or
12 physical handicap of any applicant for employment or membership.
13 Prior to an offer of employment, an employer may not inquire as
14 to whether an individual has a handicap or disability or as to
15 the severity of such handicap or disability. An employer may
16 inquire as to the individual's ability to perform the essential
17 functions of the employment.

18 (2) Print or publish or cause to be printed or published any
19 notice or advertisement relating to employment or membership
20 indicating any preference, limitation, specification or
21 discrimination based upon race, color, religious creed,
22 ancestry, age, familial status, marital status, sex, national
23 origin, non-job related handicap or disability or the use of a
24 guide or support animal because of the blindness, deafness or
25 physical handicap of the user.

26 (3) Deny or limit, through a quota system, employment or
27 membership because of race, color, religious creed, ancestry,
28 age, familial status, marital status, sex, national origin, non-
29 job related handicap or disability, the use of a guide or
30 support animal because of the blindness, deafness or physical

1 handicap of the user or place of birth.

2 (4) Substantially confine or limit recruitment or hiring of
3 individuals, with intent to circumvent the spirit and purpose of
4 this act, to any employment agency, employment service, labor
5 organization, training school or training center or any other
6 employe-referring source which services individuals who are
7 predominantly of the same race, color, religious creed,
8 ancestry, age, familial status, marital status, sex, national
9 origin or non-job related handicap or disability.

10 (5) Deny employment because of a prior handicap or
11 disability.

12 Nothing in clause (b) of this section shall bar any
13 institution or organization for handicapped or disabled persons
14 from limiting or giving preference in employment or membership
15 to handicapped or disabled persons.

16 (c) For any labor organization because of the race, color,
17 religious creed, ancestry, age, familial status, marital status,
18 sex, national origin, non-job related handicap or disability or
19 the use of a guide or support animal because of the blindness,
20 deafness or physical handicap of any individual to deny full and
21 equal membership rights to any individual or otherwise to
22 discriminate against such individuals with respect to hire,
23 tenure, terms, conditions or privileges of employment or any
24 other matter, directly or indirectly, related to employment.

25 * * *

26 (f) For any employment agency to fail or refuse to classify
27 properly, refer for employment or otherwise to discriminate
28 against any individual because of his race, color, religious
29 creed, ancestry, age, sex, familial status, marital status,
30 national origin, non-job related handicap or disability or the

1 use of a guide or support animal because of the blindness,
2 deafness or physical handicap of the user.

3 (g) For any individual seeking employment to publish or
4 cause to be published any advertisement which in any manner
5 expresses a limitation or preference as to the race, color,
6 religious creed, ancestry, age, sex, familial status, marital
7 status, national origin, non-job related handicap or disability
8 or the use of a guide or support animal because of the
9 blindness, deafness or physical handicap of any prospective
10 employer.

11 * * *

12 Section 4. This act shall take effect in 60 days.