

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2271 Session of
2014

INTRODUCED BY SNYDER, READSHAW, COHEN, MOLCHANY, KOTIK, O'BRIEN,
BISHOP, DONATUCCI, McCARTER, PARKER, SCHLOSSBERG, KINSEY,
V. BROWN, MATZIE, D. COSTA, PAINTER, MURT, McNEILL, DAVIS,
McGEEHAN, KORTZ, D. MILLER, W. KELLER, MUNDY AND SABATINA,
MAY 29, 2014

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 29, 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; defining "marital status"; and further providing for
13 unlawful discriminatory practices.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 2(b) of the act of October 27, 1955
17 (P.L.744, No.222), known as the Pennsylvania Human Relations
18 Act, amended December 20, 1991 (P.L.414, No.51), is amended to
19 read:

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

21 * * *

22 (b) It is hereby declared to be the public policy of this

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

17 * * *

18 Section 2. Section 4 of the act is amended by adding a
19 clause to read:

20 Section 4. Definitions.--As used in this act unless a
21 different meaning clearly appears from the context:

22 * * *

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

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

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

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

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

1 observances of the corporation, or association.

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

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

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

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

1 support animal because of the blindness, deafness or physical
2 handicap of the user or place of birth.

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

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

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

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

26 * * *

27 (f) For any employment agency to fail or refuse to classify
28 properly, refer for employment or otherwise to discriminate
29 against any individual because of his race, color, religious
30 creed, ancestry, age, sex, familial status, marital status,

1 national origin, non-job related handicap or disability or the
2 use of a guide or support animal because of the blindness,
3 deafness or physical handicap of the user.

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

12 * * *

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