
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1044 Session of
2013

INTRODUCED BY GORDNER, KITCHEN, GREENLEAF, RAFFERTY, COSTA,
FONTANA, BREWSTER, EICHELBERGER, BAKER, VULAKOVICH AND
TEPLITZ, JULY 19, 2013

REFERRED TO LABOR AND INDUSTRY, JULY 19, 2013

AN ACT

1 Regulating employment inquiries into arrest records.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Arrest Record
6 for Employment Act.

7 Section 2. Definitions.

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

11 "Employee." The term does not include:

12 (1) An individual employed in agriculture or in the
13 domestic service of a person.

14 (2) An individual who, as a part of their employment,
15 resides in the personal residence of the employer.

16 (3) An individual employed by the individual's parents,
17 spouse or child.

1 "Employer." The Commonwealth or any of its political
2 subdivisions or boards, departments, commissions or school
3 districts and a person employing four or more persons within the
4 Commonwealth. The term does not include religious, fraternal,
5 charitable or sectarian corporations or associations, except
6 corporations or associations supported, in whole or in part, by
7 governmental appropriations.

8 "Employment agency." A person regularly undertaking, with or
9 without compensation, to procure opportunities to work or to
10 procure, recruit, refer or place an employee.

11 "Independent contractor." A person who is subject to the
12 provisions governing any of the professions and occupations
13 regulated by State licensing laws enforced by the Bureau of
14 Professional and Occupational Affairs in the Department of
15 State, or is included in the Fair Housing Act (Public Law 90-
16 284, 42 U.S.C. § 3601 et seq.).

17 "Labor organization." An organization which exists for the
18 purpose, in whole or in part, of collective bargaining or of
19 dealing with employers concerning grievances, terms or
20 conditions of employment or of other mutual aid or protection in
21 relation to employment.

22 "Person." One or more individuals, partnerships,
23 associations, organizations, corporations, legal
24 representatives, trustees in bankruptcy or receivers. The term
25 includes an owner, lessor, assignor, builder, manager, broker,
26 salesman, agent, employee, independent contractor, lending
27 institution and the Commonwealth, and its political
28 subdivisions, authorities, boards and commissions.

29 Section 3. Prohibition.

30 An employer, employment agency or labor organization, may

1 not, prior to any of the following, elicit information, make or
2 keep a record of or use a form of application or application
3 blank containing a question or entry concerning the arrest
4 record of a prospective employee for a matter that resulted in
5 the prospective employee being found not guilty or that the
6 charges were nolle prossed or withdrawn:

7 (1) Employment.

8 (2) Contracting with an independent contractor.

9 (3) Admission to membership.

10 Section 4. Civil penalty.

11 Any person violating section 3 shall pay a civil penalty of
12 not more than \$500.

13 Section 10. Effective date.

14 This act shall take effect in 60 days.