

AMENDMENTS TO HOUSE BILL NO. 2503

Sponsor: REPRESENTATIVE B. MILLER

Printer's No. 3861

1 Amend Bill, page 1, lines 13 through 18; page 2, lines 1
2 through 30; page 3, lines 1 through 15; by striking out all of
3 said lines on said pages and inserting

4 (m) Provisional employees for limited periods.--[Employers,
5 administrators, supervisors or other persons responsible for
6 employment decisions may not employ applicants on a provisional
7 basis, except that the department is authorized to grant a
8 waiver of this provision upon request from a child day-care
9 center, group day-care home or family child-care home. If a
10 child day-care center, group day-care home or family child-care
11 home is granted a waiver, an applicant may be employed on a
12 provisional basis for a single period not to exceed 45 days, if
13 all of the following conditions are met:

14 (1) The applicant has applied for the information
15 required under subsection (b) and the applicant provides a
16 copy of the appropriate completed request forms to the
17 employer, administrator, supervisor or other person
18 responsible for employment decisions.

19 (2) The employer, administrator, supervisor or other
20 person responsible for employment decisions has no knowledge
21 of information pertaining to the applicant which would
22 disqualify him from employment pursuant to subsection (c).

23 (3) The applicant swears or affirms in writing that he
24 is not disqualified from employment pursuant to subsection
25 (c) or has not been convicted of an offense similar in nature
26 to those crimes listed in subsection (c) under the laws or
27 former laws of the United States or one of its territories or
28 possessions, another state, the District of Columbia, the
29 Commonwealth of Puerto Rico or a foreign nation, or under a
30 former law of this Commonwealth.

31 (3.1) A child day-care center, group day-care home or
32 family child-care home received the result of the report of
33 the criminal history record information under subsection (b)
34 (1) or (3).

35 (4) If the information obtained pursuant to subsection
36 (b) reveals that the applicant is disqualified from
37 employment pursuant to subsection (c), the applicant shall be

1 immediately dismissed by the employer, administrator,
2 supervisor or other person responsible for employment
3 decisions.

4 (5) The employer, administrator, supervisor or other
5 person responsible for employment decisions requires that the
6 applicant not be permitted to work alone with children and
7 that the applicant work in the immediate vicinity of a
8 permanent employee.]

9 (1) An employer, administrator, supervisor or other
10 person responsible for employment decisions may employ an
11 applicant on a provisional basis for a single period not to
12 exceed 45 days if the following conditions are met:

13 (i) The applicant has applied for the information
14 required under subsection (b) and provided a copy of the
15 appropriate completed request forms to the employer,
16 administrator, supervisor or other person responsible for
17 employment decisions.

18 (ii) The employer, administrator, supervisor or
19 other person responsible for employment decisions has no
20 knowledge of information that would disqualify the
21 applicant from employment under subsection (c).

22 (iii) The applicant swears or affirms in writing
23 that the applicant is not disqualified from employment
24 under subsection (c) and has not been convicted of an
25 offense similar in nature to those crimes listed in
26 subsection (c) under the laws or former laws of this
27 Commonwealth or any other jurisdiction.

28 (iv) The employer, administrator, supervisor or
29 other person responsible for employment decisions has
30 received the result of the report of the criminal history
31 record information under subsection (b)(1) or (3).

32 (2) An employee hired on a provisional basis under this
33 subsection must work in the immediate vicinity of a permanent
34 employee and shall not be permitted to be alone with
35 children.

36 (3) If the information obtained in accordance with
37 subsection (b) reveals that the applicant is disqualified
38 from employment pursuant to subsection (c), the applicant
39 shall be dismissed immediately.

40 (4) This subsection does not apply to a child-care
41 institution within the meaning of 42 U.S.C. § 672 (relating
42 to foster care maintenance payments program) or facility that
43 serves children and is licensed by the Department of Human
44 Services, other than a child day-care center, group day-care
45 home or family child-care home.