
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1776 Session of
1995

INTRODUCED BY WOGAN, MCGEEHAN, LEH, GAMBLE, O'BRIEN, MAYERNIK,
BIRMELIN, FICHTER, BUNT, M. N. WRIGHT, GODSHALL, CLARK,
FAIRCHILD, FARGO, BROWN, GEIST, KENNEY, PETTIT, STISH,
TRELLO, OLASZ, GIGLIOTTI, YEWIC, STERN, KING, SCHRODER,
DeLUCA, MERRY, E. Z. TAYLOR, J. TAYLOR, CHADWICK, GLADECK,
S. H. SMITH, WAUGH, SEMMEL, MICOZZIE, HABAY, FLICK,
ARMSTRONG, DEMPSEY, LYNCH, CORNELL, MARSICO, ROHRER, HERSHEY,
SCHULER AND TRUE, JUNE 19, 1995

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 19, 1995

AN ACT

1 Prohibiting certain public agencies and public utilities from
2 discriminating or according preferential treatment with
3 respect to employment, education and contracting.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania
8 Equal Rights Act.

9 Section 2. Definitions.

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

13 "Public agency." The General Assembly, the executive branch
14 of the government of this Commonwealth, any board, council,
15 authority or commission of this Commonwealth, any political

1 subdivision, any municipal or school authority, all State-aided
2 colleges and universities, all State-owned colleges and
3 universities, all State-related universities and all community
4 colleges or similar organizations created by or pursuant to a
5 statute which declares in substance that the organization
6 performs or has for its purpose the performance of an essential
7 governmental function. The term shall also include any officer
8 or employee of a public agency.

9 "Public utility." A public utility as defined in 66 Pa.C.S.
10 (relating to public utilities) and any officer or employee
11 thereof.

12 Section 3. Prohibition on certain discriminatory and
13 preferential treatment in public employment,
14 education and contracting.

15 No public agency or public utility shall use race, sex,
16 color, ancestry or national origin as a criterion for either
17 discriminating against or granting preferential treatment to any
18 individual or group with respect to employment, education or
19 contracting.

20 Section 4. Exceptions.

21 Nothing in this act shall be interpreted as:

22 (1) Prohibiting classifications based on sex that are
23 reasonably necessary to the normal operation of this
24 Commonwealth's system public employment or public education,
25 insofar as such classifications are not prohibited by section
26 28 of Article I of the Constitution of Pennsylvania.

27 (2) Inhibiting official action that is necessary to
28 establish or maintain eligibility for any Federal program,
29 where ineligibility would result in a loss of Federal funds
30 to the Commonwealth or any political subdivision.

1 (3) Prohibiting any public agency or public utility from
2 obeying a court order requiring the consideration of racial,
3 ethnic, national origin, gender or religious characteristics
4 to remedy the effect of its own past discriminatory
5 practices.

6 Section 5. Remedies.

7 A person who alleges a violation of this act by any public
8 agency or any public utility may bring a civil action in a court
9 of competent jurisdiction for appropriate injunctive or other
10 equitable relief and compensatory damages against the public
11 agency or public utility within one year after the occurrence of
12 the alleged violation. A court shall also award the complainant
13 all or a portion of the costs of litigation, including
14 reasonable attorney fees and witness fees, if the court
15 determines that the award is appropriate.

16 Section 6. Notice.

17 Each public agency and public utility shall post notices and
18 use other appropriate means to notify employees and keep them
19 informed of protections and obligations under this act.

20 Section 7. Severability.

21 The provisions of this act are severable. If any provision of
22 this act or its application to any person or circumstance is
23 held invalid, the invalidity shall not affect other provisions
24 or applications of this act which can be given effect without
25 the invalid provision or application.

26 Section 8. Repeals.

27 All acts and parts of acts are repealed insofar as they are
28 inconsistent with this act.

29 Section 9. Applicability.

30 This act shall apply to actions taken after the effective

- 1 date of this act.
- 2 Section 10. Effective date.
- 3 This act shall take effect in 60 days.