THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL No. 652 Session of 2013

INTRODUCED BY MURT, CALTAGIRONE, O'BRIEN, COHEN, V. BROWN, KORTZ, YOUNGBLOOD, MOLCHANY, MCGEEHAN, FRANKEL, PARKER AND ROEBUCK, FEBRUARY 11, 2013

REFERRED TO COMMITEE ON STATE GOVERNMENT, FEBRUARY 11, 2013

AN ACT

1 2 3 4 5 6 7 8 9 10 11	Amending the act of October 27, 1955 (P.L.744, No.222), entitled, as amended, "An act prohibiting certain practices of discrimination because of race, color, religious creed, ancestry, age or national origin by employers, employment agencies, labor organizations and others as herein defined; creating the Pennsylvania Human Relations Commission in the Governor's Office; defining its functions, powers and duties; providing for procedure and enforcement; providing for formulation of an educational program to prevent prejudice; providing for judicial review and enforcement and imposing penalties," providing for credit reporting.
12	The General Assembly of the Commonwealth of Pennsylvania
13	hereby enacts as follows:
14	Section 1. The act of October 27, 1955 (P.L.744, No.222),
15	known as the Pennsylvania Human Relations Act, is amended by
16	adding a section to read:
17	<u>Section 5.4. Credit Report Requirement(a) It shall be an</u>
18	unlawful discriminatory practice for an employer to require, as
19	a condition of employment, an employe or prospective employe to
20	consent to the creation of a credit report that contains
21	information about the employe's or prospective employe's credit
22	score, credit account balances, payment history, savings or

1	checking account balances or savings or checking account numbers
2	unless one of the following applies:
3	(1) The report is substantially related to the employe's
4	current or potential job.
5	(2) The report is required by law.
6	(3) The position is with the Office of Attorney General,
7	<u>Pennsylvania State Police or another law enforcement agency.</u>
8	(b) For the purposes of this section, "substantially related
9	to the employe's current or potential job" means related to the
10	position for which the employe or prospective employe who is the
11	subject of the report is being evaluated because the position:
12	(1) is a managerial position which involves setting the
13	direction or control of the business;
14	(2) involves access to customers', employes' or the
15	employer's personal or financial information other than
16	information customarily provided in a retail transaction;
17	(3) involves a fiduciary responsibility to the employer,
18	including the authority to issue payments, transfer money or
19	<u>enter into contracts;</u>
20	(4) requires access to confidential or proprietary
21	information that derives value from secrecy and efforts are made
22	to keep it secret; or
23	(5) involves regular access during the work day to cash
24	totaling at least \$10,000.
25	Section 2. The addition of section 5.4 of the act shall not
26	apply to employment contracts entered into or renewed prior to
27	the effective date of this section.
28	Section 3. This act shall take effect in 60 days.

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