

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 271

Session of  
1981

---

INTRODUCED BY GEORGE, PITTS, LEVIN, GREENFIELD, McCALL, GAMBLE,  
WILT, PETERSON, WHITE, DAVIES, BOWSER, DeMEDIO, MURPHY,  
LIVENGOOD, MRKONIC, HORGOS, DUFFY, PETRONE, COCHRAN, MORRIS,  
LESCOVITZ, LUCYK AND STUBAN, JANUARY 27, 1981

---

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE,  
JANUARY 27, 1981

---

AN ACT

1 Amending the act of November 26, 1978 (P.L.1212, No.286),  
2 entitled "An act authorizing an employee to inspect certain  
3 personnel files of his employer," providing additional rights  
4 to employees and prospective employees required to undergo  
5 certain physical examinations.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. The definitions of "employee" and "personnel  
9 file" in section 1, act of November 26, 1978 (P.L.1212, No.286),  
10 referred to as the Inspection of Employment Records Law, are  
11 amended to read:

12 Section 1. Definitions.

13 The following words and phrases when used in this act shall  
14 have, unless the context clearly indicates otherwise, the  
15 meanings given to them in this section:

16 "Employee." Any person currently employed, laid off with  
17 reemployment rights or on leave of absence. The term "employee"  
18 shall not include except for purposes of section 2.1 applicants

1 for employment, designated agents, or any other person.

2 \* \* \*

3 "Personnel file." If maintained by the employer, any  
4 application for employment, wage or salary information, notices  
5 of commendations, warning or discipline, authorization for a  
6 deduction or withholding of pay, fringe benefit information,  
7 leave records, employment history with the employer, including  
8 salary information, job title, dates of changes, retirement  
9 record, attendance records and performance evaluations. The term  
10 "personnel file" shall not include records of an employee  
11 relating to the investigation of a possible criminal offense,  
12 letters of reference, documents which are being developed or  
13 prepared for use in civil, criminal or grievance procedures,  
14 except for purposes of section 2.1, medical records or materials  
15 which are used by the employer to plan for future operations or  
16 information available to the employee under the Fair Credit  
17 Reporting Act (84 Stat. 1127-1136, 15 U.S.C. § 1681 et. seq.).

18 Section 2. The act is amended by adding a section to read:

19 Section 2.1. Decisions based on physical examinations.

20 Whenever any employer requires, as a condition of employment,  
21 that every applicant for employment submit to a physical  
22 examination at the expense of the employer and the applicant is  
23 refused employment on the basis of the physical examination,  
24 then every employer shall furnish to every applicant so refused,  
25 a letter indicating specifically the reason or reasons for the  
26 refusal based on the physical examination.

27 Section 3. This act shall take effect in 60 days.