

AMENDMENTS TO HOUSE BILL NO. 360

Sponsor: SENATOR HAYWOOD

Printer's No. 3583

1 Amend Bill, page 1, line 4, by inserting after "EXAMINATION"
2 ; and, in child protective services, providing for pandemic of
3 2020

4 Amend Bill, page 3, lines 5 and 6, by striking out all of
5 said lines and inserting

6 Section 2. Title 23 is amended by adding a section to read:
7 § 6387. Pandemic of 2020.

8 (a) General rule.--Notwithstanding any provision of law to
9 the contrary, the following shall apply to any individual
10 required to obtain recertification under section 6344.4
11 (relating to recertification) during the disaster emergency
12 relating to COVID-19. The following shall apply:

13 (1) An individual shall have until December 31, 2020, to
14 obtain the recertification under section 6344(b)(3) (relating
15 to employees having contact with children; adoptive and
16 foster parents).

17 (2) An individual shall be required to obtain the
18 certifications under section 6344(b)(1) and (2) as required
19 under section 6344.4.

20 (3) An individual who delays recertification under
21 section 6344(b)(3) shall be required to obtain the
22 individual's subsequent recertifications required under
23 section 6344.4 within 60 months from the date of the
24 individual's most recent certification.

25 (b) Initial applicants.--The following shall apply:

26 (1) Notwithstanding any provision of law to the
27 contrary, an individual identified under section 6344(a) may
28 commence employment prior to obtaining the certification
29 required under section 6344(b)(3) if all of the following
30 apply:

31 (i) The individual has been a resident of this
32 Commonwealth during the entirety of the previous 10-year
33 period or, if the individual has not been a resident of
34 this Commonwealth during the entirety of the previous 10-
35 year period, the individual has submitted an equivalent
36 certification under section 6344(b)(1) from the last
37 state in which the individual was a resident.

1 (ii) The individual has submitted the certifications
2 under section 6344(b)(1) and (2) to the employer,
3 administrator, supervisor or other person responsible for
4 employment decisions prior to the commencement of
5 employment.

6 (iii) An employer, administrator, supervisor or
7 other person responsible for employment decisions shall
8 document the reason, which relates to the COVID-19
9 disaster emergency, that the individual is unable to
10 obtain and submit the certifications required under
11 section 6344(b)(3).

12 (iv) The individual affirms, subject to the penalty
13 of 18 Pa.C.S. § 4903 (relating to false swearing), in
14 writing, that the individual is not disqualified from
15 employment pursuant to section 6344(c) or has not been
16 convicted of an offense similar in nature to those crimes
17 listed in section 6344(c) under the laws or former laws
18 of the United States or one of its territories or
19 possessions, another state, the District of Columbia, the
20 Commonwealth of Puerto Rico or a foreign nation, or under
21 a former law of this Commonwealth.

22 (2) An individual who commences employment under
23 paragraph (1) shall be required to submit the information
24 required under section 6344(b)(3) no later than December 31,
25 2020, or 60 days after the expiration of the declaration of
26 disaster emergency issued by the Governor on March 6, 2020,
27 published at 50 Pa.B 1644 (March 21, 2020), whichever is
28 sooner.

29 (3) If the information obtained pursuant to section
30 6344(b)(3) reveals that an individual is disqualified from
31 employment pursuant to section 6344(c), the individual shall
32 be immediately dismissed by the employer, administrator,
33 supervisor or other person responsible for employment
34 decisions.

35 (4) An individual who commences employment in a child
36 daycare center, group daycare home or family childcare home
37 under paragraph (1) shall comply with section 6344(m)(5).

38 (5) This subsection shall expire December 31, 2020.

39 (c) Required record.--An employer, administrator, supervisor
40 or other person responsible for employment decisions shall
41 maintain a copy of the required information under subsections
42 (a) and (b).

43 (d) Definition.--As used in this section, the term "COVID-
44 19" means the novel coronavirus as identified in the
45 proclamation of disaster emergency issued by the Governor on
46 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

47 Section 3. This act shall be retroactive as follows:

48 (1) The amendment of 23 Pa.C.S. § 1306(b) shall be
49 retroactive to March 18, 2020.

50 (2) The addition of 23 Pa.C.S. § 6387(a) and (c) shall
51 be retroactive to March 6, 2020.

1 Amend Bill, page 3, line 7, by striking out "3" and inserting
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