

## 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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