

AMENDMENTS TO HOUSE BILL NO. 764

Sponsor: SENATOR BAKER

Printer's No. 1634

1 Amend Bill, page 1, lines 7 through 9, by striking out all of
2 said lines and inserting

3 Section 1. Section 6344(m) of Title 23 of the Pennsylvania
4 Consolidated Statutes is amended to read:

5 Amend Bill, page 1, lines 13 through 18; pages 2 and 3, lines
6 1 through 30; page 4, lines 1 through 23; by striking out all of
7 said lines on said pages and inserting

8 (m) Provisional employees for limited periods.--The
9 following shall apply to provisional employees:

10 (1) Employers, administrators, supervisors or other
11 persons responsible for employment decisions, except for a
12 child-care institution, a prospective adoptive parent or a
13 prospective foster parent may [not] employ [applicants] an
14 applicant on a provisional basis[, except that the department
15 is authorized to grant a waiver of this provision upon
16 request from a child day-care center, group day-care home or
17 family child-care home. If a child day-care center, group
18 day-care home or family child-care home is granted a waiver,
19 an applicant may be employed on a provisional basis] for a
20 single period not to exceed 45 days, if all of the following
21 conditions are met:

22 [(1)] (i) The applicant has applied for the
23 information required under subsection (b) and the
24 applicant provides a copy of the appropriate completed
25 request forms to the employer, administrator, supervisor
26 or other person responsible for employment decisions.

27 [(2)] (ii) The employer, administrator, supervisor
28 or other person responsible for employment decisions has
29 no knowledge of information pertaining to the applicant
30 which would disqualify him from employment pursuant to
31 subsection (c).

32 [(3)] (iii) The applicant swears or affirms in
33 writing that he is not disqualified from employment
34 pursuant to subsection (c) or has not been convicted of
35 an offense similar in nature to those crimes listed in

1 subsection (c) under the laws or former laws of the
2 United States or one of its territories or possessions,
3 another state, the District of Columbia, the Commonwealth
4 of Puerto Rico or a foreign nation, or under a former law
5 of this Commonwealth.

6 [(3.1) A child day-care center, group day-care home or
7 family child-care home received the result of the report of
8 the criminal history record information under subsection (b)
9 (1) or (3).

10 (4)] (iv) If the information obtained pursuant to
11 subsection (b) reveals that the applicant is disqualified
12 from employment pursuant to subsection (c), the applicant
13 shall be immediately dismissed by the employer,
14 administrator, supervisor or other person responsible for
15 employment decisions.

16 [(5)] (v) The employer, administrator, supervisor or
17 other person responsible for employment decisions
18 requires that the applicant not be permitted to work
19 alone with children and that the applicant work in the
20 immediate vicinity of a permanent employee.

21 (vi) The applicant received the results of the
22 information required under subsection (b) (2) and either
23 subsection (b) (1) or (b) (3) and submitted the results to
24 the employer, administrator, supervisor or other person
25 responsible for employment decisions.

26 (2) For the purposes of this subsection, the term
27 "child-care institution" shall mean a child-care institution
28 as defined in 42 U.S.C. § 672(c) (2) (A) (relating to foster
29 care maintenance payments program) on the effective date of
30 this paragraph.