

## AMENDMENTS TO HOUSE BILL NO. 2104

Sponsor: REPRESENTATIVE DAWKINS

Printer's No. 2687

1 Amend Bill, page 1, lines 1 through 13, by striking out all  
2 of said lines and inserting

3 Amending the act of October 27, 1955 (P.L.744, No.222), entitled  
4 "An act prohibiting certain practices of discrimination  
5 because of race, color, religious creed, ancestry, age or  
6 national origin by employers, employment agencies, labor  
7 organizations and others as herein defined; creating the  
8 Pennsylvania Human Relations Commission in the Governor's  
9 Office; defining its functions, powers and duties; providing  
10 for procedure and enforcement; providing for formulation of  
11 an educational program to prevent prejudice; providing for  
12 judicial review and enforcement and imposing penalties,"  
13 further providing for powers and duties of the commission;  
14 providing for policies and procedures; and establishing the  
15 Human Relations Training Fund.

16 Amend Bill, page 1, lines 16 through 23; pages 2 and 3, lines  
17 1 through 30; page 4, lines 1 through 21; by striking out all of  
18 said lines on said pages and inserting

19 Section 1. Section 7(f) of the act of October 27, 1955  
20 (P.L.744, No.222), known as the Pennsylvania Human Relations  
21 Act, is amended to read:

22 Section 7. Powers and Duties of the Commission.--The  
23 Commission shall have the following powers and duties:

24 \* \* \*

25 (f) To initiate, receive, investigate and pass upon  
26 complaints charging unlawful discriminatory practices and  
27 violations of section 7.1.

28 \* \* \*

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

30 Section 7.1. Policies and Procedures.--(a) An employer  
31 shall adopt written policies and procedures for preventing  
32 harassment, discrimination and retaliation against employes. The  
33 policies and procedures shall include, at a minimum, all of the  
34 following:

35 (1) An explanation that harassment, discrimination and

1 retaliation are unlawful acts under Federal and State law.

2 (2) An explanation that sexual harassment is a form of  
3 unlawful discrimination under Federal and State law.

4 (3) A complaint procedure to report and address harassment,  
5 discrimination and retaliation claims, including a provision  
6 allowing employees to report the claims to persons other than  
7 their supervisor.

8 (4) The specific responsibilities of a supervisor in the  
9 identification, prevention and reporting of harassment,  
10 discrimination and retaliation.

11 (5) An explanation of the procedures for maintaining  
12 confidentiality surrounding the reporting of harassment,  
13 discrimination and retaliation claims.

14 (6) A procedure for the timely, thorough and prompt  
15 investigation of claims of harassment, discrimination and  
16 retaliation filed by an employee.

17 (b) An employer shall make the policies and procedures under  
18 this section available and easily accessible to all employees. An  
19 employer may post the policies and procedures on the employer's  
20 Internet website which is accessible to employees.

21 (c) An employer shall keep records of the current policies  
22 and procedures under this section and make them available for  
23 inspection by the Commission upon request. If applicable,  
24 employers shall also keep a record of the immediately preceding  
25 policies and procedures for a period of three years after the  
26 effective date of the current policies and procedures and make  
27 them available for inspection by the Commission upon request.

28 (d) The Commission shall develop standard policies and  
29 procedures that may be used by employers to satisfy the  
30 requirements under clause (a). The policies and procedures shall  
31 be made publicly available at no cost on the publicly accessible  
32 Internet website of the Commission.

33 (e) Within forty-five days of any changes to Federal or  
34 State harassment, discrimination or retaliation laws that would  
35 impact the standard policies and procedures under clause (d),  
36 the Commission shall publish the changes on its publicly  
37 accessible Internet website and transmit notice of the changes  
38 to the Legislative Reference Bureau for publication in the next  
39 available issue of the Pennsylvania Bulletin. The Commission  
40 shall alert employers of changes to the standard policies and  
41 procedures and shall establish and utilize an electronic  
42 notification system to issue the alerts. An employer shall adopt  
43 the required change to the standard policies and procedures  
44 within forty-five days of receiving notification of the change  
45 from the Commission.

46 (f) A person claiming a violation of this section may make a  
47 complaint with the Commission. The complaint must state the name  
48 and address of the employer alleged to have violated this  
49 section. If, after investigation by the Commission, the  
50 Commission determines that the employer violated this section,  
51 the Commission shall endeavor to cause compliance with this

1 section and may issue a citation and impose a fine as provided  
2 in clause (g).

3 (g) The Commission may issue citations and impose fines on  
4 an employer for a violation of this section as follows:

5 (1) A fine of not less than five hundred dollars (\$500) and  
6 not more than one thousand dollars (\$1,000) for the first  
7 violation.

8 (2) A fine of not less than one thousand dollars (\$1,000)  
9 and not more than five thousand dollars (\$5,000) for the second  
10 or each subsequent violation.

11 (3) Unless an employer has demonstrated willful disregard  
12 for the requirements of this act, the Commission shall waive the  
13 fine for a first-time violation of this section if the employer  
14 proves to the satisfaction of the Commission, within sixty days  
15 of the issuance of the citation, that the violation has been  
16 cured. The Commission may waive the fine for a second-time  
17 violation of this section if the violation is a result of the  
18 employer failing to update policies and procedures in accordance  
19 with clause (e), provided the employer proves to the  
20 satisfaction of the Commission, within sixty days of the  
21 issuance of the citation, that the violation has been cured.

22 (h) The Human Relations Training Fund is established as a  
23 separate fund in the State Treasury. The following apply:

24 (1) A fine imposed and collected by the Commission under  
25 clause (g) or a civil penalty assessed under section 9(f)(2)  
26 shall be deposited into the Human Relations Training Fund.

27 (2) The money in the Human Relations Training Fund is  
28 appropriated on a continuing basis to the Commission to be used  
29 for training, education and outreach.

30 Section 3. This act shall take effect in 120 days.