

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 56

Session of
1975

INTRODUCED BY MESSRS. ZEARFOSS, SCIRICA, W. D. HUTCHINSON,
RENNINGER, GLEASON, McCLATCHY, MRS. CRAWFORD AND MRS.
FAWCETT, JANUARY 27, 1975

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 19, 1975

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),
2 entitled, as amended, "An act prohibiting certain practices
3 of discrimination because of race, color, religious creed,
4 ancestry, age or national origin by employers, employment
5 agencies, labor organizations and others as herein defined;
6 creating the Pennsylvania Human Relations Commission in the
7 Department of Labor and Industry; defining its functions,
8 powers and duties; providing for procedure and enforcement;
9 providing for formulation of an educational program to
10 prevent prejudice; providing for judicial review and
11 enforcement and imposing penalties," prohibiting
12 discrimination because of the marital status of any
13 individual, PROVIDING FOR HEARING EXAMINERS AND HEARINGS TO
14 BE CONDUCTED BY THEM, providing a penalty and making an
15 editorial change. <—

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The title, act of October 27, 1955 (P.L.744,
19 No.222), known as the "Pennsylvania Human Relations Act,"
20 amended February 28, 1961 (P.L.47, No.19), is amended to read:

AN ACT

22 Prohibiting certain practices of discrimination because of race,
23 color, religious creed, ancestry, handicap or disability,

1 age, sex, marital status or national origin by employers,
2 employment agencies, labor organizations and others as herein
3 defined; creating the Pennsylvania Human Relations Commission
4 in the Department of Labor and Industry; defining its
5 functions, powers and duties; providing for procedure and
6 enforcement; providing for formulation of an educational
7 program to prevent prejudice; providing for judicial review
8 and enforcement and imposing penalties.

9 Section 2. Sections 2 and 3 and clause (b) of section 4,
10 amended December 19, 1974 (No.318), are amended to read:

11 Section 2. Findings and Declaration of Policy.--

12 (a) The practice or policy of discrimination against
13 individuals or groups by reason of their race, color, religious
14 creed, ancestry, handicap or disability, use of guide dogs
15 because of blindness of the user, age, sex, marital status or
16 national origin is a matter of concern of the Commonwealth. Such
17 discrimination foments domestic strife and unrest, threatens the
18 rights and privileges of the inhabitants of the Commonwealth,
19 and undermines the foundations of a free democratic state. The
20 denial of equal employment, housing and public accommodation
21 opportunities because of such discrimination, and the consequent
22 failure to utilize the productive capacities of individuals to
23 their fullest extent, deprives large segments of the population
24 of the Commonwealth of earnings necessary to maintain decent
25 standards of living, necessitates their resort to public relief
26 and intensifies group conflicts, thereby resulting in grave
27 injury to the public health and welfare, compels many
28 individuals to live in dwellings which are substandard,
29 unhealthful and overcrowded, resulting in racial segregation in
30 public schools and other community facilities, juvenile

1 delinquency and other evils, thereby threatening the peace,
2 health, safety and general welfare of the Commonwealth and its
3 inhabitants.

4 (b) It is hereby declared to be the public policy of this
5 Commonwealth to foster the employment of all individuals in
6 accordance with their fullest capacities regardless of their
7 race, color, religious creed, ancestry, handicap or disability,
8 use of guide dogs because of blindness of the user, age, sex,
9 marital status or national origin, and to safeguard their right
10 to obtain and hold employment without such discrimination, to
11 assure equal opportunities to all individuals and to safeguard
12 their rights at places of public accommodation and to secure
13 commercial housing regardless of race, color, religious creed,
14 ancestry, sex, handicap or disability, marital status, use of
15 guide dogs because of blindness of the user or national origin.

16 (c) This act shall be deemed an exercise of the police power
17 of the Commonwealth for the protection of the public welfare,
18 prosperity, health and peace of the people of the Commonwealth
19 of Pennsylvania.

20 Section 3. Right to Freedom from Discrimination in
21 Employment, Housing and Places of Public Accommodation.--The
22 opportunity for an individual to obtain employment for which he
23 is qualified, and to obtain all the accommodations, advantages,
24 facilities and privileges of any place of public accommodation
25 and of commercial housing without discrimination because of
26 race, color, religious creed, ancestry, handicap or disability,
27 age, sex, marital status or national origin are hereby
28 recognized as and declared to be civil rights which shall be
29 enforceable as set forth in this act.

30 The opportunity of an individual to obtain all the

1 accommodations, advantages, facilities and privileges of
2 commercial housing without discrimination due to the sex of an
3 individual or to the use of a guide dog because of blindness of
4 the user is hereby recognized as and declared to be a civil
5 right which shall be enforceable as set forth in this act.

6 Section 4. Definitions.--As used in this act unless a
7 different meaning clearly appears from the context:

8 * * *

9 (b) The term "employer" includes the Commonwealth or any
10 political subdivision or board, department, commission or school
11 district thereof and any person employing four or more persons
12 within the Commonwealth, but except as hereinafter provided,
13 does not include religious, fraternal, charitable or sectarian
14 corporations or associations, except such corporations or
15 associations supported, in whole or in part, by governmental
16 appropriations. The term "employer" with respect to
17 discriminatory practices based on race, color, age, marital
18 status, national origin or non-job related handicap or
19 disability, includes religious, fraternal, charitable and
20 sectarian corporations and associations employing four or more
21 persons within the Commonwealth.

22 * * *

23 SECTION 3. SECTION 4 OF THE ACT IS AMENDED BY ADDING A
24 CLAUSE TO READ:

<—

25 SECTION 4. DEFINITIONS.--AS USED IN THIS ACT UNLESS A
26 DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT:

27 * * *

28 (Q) THE TERM "HEARING EXAMINER" SHALL MEAN AN ATTORNEY
29 DESIGNATED BY THE COMMISSION TO CONDUCT HEARINGS REQUIRED TO BE
30 HELD UNDER THIS ACT.

1 Section ~~3-~~ 4. Clauses (a), (b), (c), (f), (g) and (h) of
2 section 5, clauses (a), (b), (f) and (h) amended December 19,
3 1974 (No.318) and clauses (c) and (g) amended July 9, 1969
4 (P.L.133, No.56), are amended to read:

5 Section 5. Unlawful Discriminatory Practices.--It shall be
6 an unlawful discriminatory practice, unless based upon a bona
7 fide occupational qualification, or in the case of a fraternal
8 corporation or association, unless based upon membership in such
9 association or corporation, or except where based upon
10 applicable security regulations established by the United States
11 or the Commonwealth of Pennsylvania:

12 (a) For any employer because of the race, color, religious
13 creed, ancestry, age, sex, marital status, national origin or
14 non-job related handicap or disability of any individual to
15 refuse to hire or employ, or to bar or to discharge from
16 employment such individual, or to otherwise discriminate against
17 such individual with respect to compensation, hire, tenure,
18 terms, conditions or privileges of employment, if the individual
19 is the best able and most competent to perform the services
20 required. The provision of this paragraph shall not apply, to
21 (1) termination of employment because of the terms or conditions
22 of any bona fide retirement or pension plan, (2) operation of
23 the terms or conditions of any bona fide retirement or pension
24 plan which have the effect of a minimum service requirement, (3)
25 operation of the terms or conditions of any bona fide group or
26 employee insurance plan.

27 (b) For any employer, employment agency or labor
28 organization, prior to the employment or admission to
29 membership, to

30 (1) Elicit any information or make or keep a record of or

1 use any form of application or application blank containing
2 questions or entries concerning the race, color, religious
3 creed, ancestry, sex, marital status, national origin or past
4 handicap or disability of any applicant for employment or
5 membership. An employer may inquire as to the existence and
6 nature of a present handicap or disability. To determine whether
7 such handicap or disability substantially interferes with the
8 ability to perform the essential function of the employment
9 which is applied for, is being engaged in, or has been engaged
10 in, the employer must inquire beyond the mere existence of a
11 handicap or disability.

12 (2) Print or publish or cause to be printed or published any
13 notice or advertisement relating to employment or membership
14 indicating any preference, limitation, specification or
15 discrimination based upon race, color, religious creed,
16 ancestry, age, sex, marital status, national origin or non-job
17 related handicap or disability.

18 (3) Deny or limit, through a quota system, employment or
19 membership because of race, color, religious creed, ancestry,
20 age, sex, marital status, national origin, non-job related
21 handicap or disability or place of birth.

22 (4) Substantially confine or limit recruitment or hiring of
23 individuals, with intent to circumvent the spirit and purpose of
24 this act, to any employment agency, employment service, labor
25 organization, training school or training center or any other
26 employe-referring source which services individuals who are
27 predominantly of the same race, color, religious creed,
28 ancestry, age, sex, marital status, national origin or non-job
29 related handicap or disability.

30 (5) Deny employment because of a prior handicap or

1 disability.

2 Nothing in clause (b) of this section shall bar any
3 institution or organization for handicapped or disabled persons
4 from limiting or giving preference in employment or membership
5 to handicapped or disabled persons.

6 (c) For any labor organization because of the race, color,
7 religious creed, ancestry, age, sex, marital status or national
8 origin of any individual to deny full and equal membership
9 rights to any individual or otherwise to discriminate against
10 such individuals with respect to hire, tenure, terms, conditions
11 or privileges of employment or any other matter, directly or
12 indirectly, related to employment.

13 * * *

14 (f) For any employment agency to fail or refuse to classify
15 properly, refer for employment or otherwise to discriminate
16 against any individual because of his race, color, religious
17 creed, ancestry, age, sex, marital status, national origin or
18 non-job related handicap or disability.

19 (g) For any individual seeking employment to publish or
20 cause to be published any advertisement which specifies or in
21 any manner expresses his race, color, religious creed, ancestry,
22 age, sex, marital status or national origin or in any manner
23 expresses a limitation or preference as to the race, color,
24 religious creed, ancestry, age, sex, marital status or national
25 origin of any prospective employer.

26 (h) For any person to:

27 (1) Refuse to sell, lease, finance or otherwise to deny or
28 withhold commercial housing from any person because of the race,
29 color, religious creed, ancestry, sex, marital status, national
30 origin or handicap or disability of any prospective owner,

1 occupant or user of such commercial housing, or to refuse to
2 lease commercial housing to any person due to use of a guide dog
3 because of the blindness of the user.

4 (2) Refuse to lend money, whether or not secured by mortgage
5 or otherwise for the acquisition, construction, rehabilitation,
6 repair or maintenance of commercial housing or otherwise
7 withhold financing of commercial housing from any person because
8 of the race, color, religious creed, ancestry, sex, marital
9 status, national origin or handicap or disability of any present
10 or prospective owner, occupant or user of such commercial
11 housing.

12 (3) Discriminate against any person in the terms or
13 conditions of selling or leasing any commercial housing or in
14 furnishing facilities, services or privileges in connection with
15 the ownership, occupancy or use of any commercial housing
16 because of the race, color, religious creed, ancestry, sex,
17 marital status, national origin or handicap or disability of any
18 present or prospective owner, occupant or user of such
19 commercial housing or to discriminate against any person in the
20 terms of leasing any commercial housing or in furnishing
21 facilities, services or privileges in connection with the
22 occupancy or use of any commercial housing due to use of a guide
23 dog because of the blindness of the user.

24 (4) Discriminate against any person in the terms or
25 conditions of any loan of money, whether or not secured by
26 mortgage or otherwise for the acquisition, construction,
27 rehabilitation, repair or maintenance of commercial housing
28 because of the race, color, religious creed, ancestry, sex,
29 marital status, national origin or handicap or disability of any
30 present or prospective owner, occupant or user of such

1 commercial housing.

2 (5) Print, publish or circulate any statement or
3 advertisement relating to the sale, lease or acquisition of any
4 commercial housing or the loan of money, whether or not secured
5 by mortgage, or otherwise for the acquisition, construction,
6 rehabilitation, repair or maintenance of commercial housing
7 which indicates any preference, limitation, specification, or
8 discrimination based upon race, color, religious creed,
9 ancestry, sex, marital status, national origin, or handicap or
10 disability, or to print, publish or circulate any statement or
11 advertisement relating to the lease of any commercial dwelling
12 which indicates any preference, limitation, specification or
13 discrimination based upon use of a guide dog because of the
14 blindness of the user.

15 (6) Make any inquiry, elicit any information, make or keep
16 any record or use any form of application, containing questions
17 or entries concerning race, color, religious creed, ancestry,
18 sex, marital status, national origin or handicap or disability
19 in connection with the sale or lease of any commercial housing
20 or loan of any money, whether or not secured by mortgage or
21 otherwise for the acquisition, construction, rehabilitation,
22 repair or maintenance of commercial housing, or to make any
23 inquiry, elicit any information, make or keep any record or use
24 any form of application, containing questions or entries
25 concerning the use of a guide dog because of the blindness of
26 the user, in connection with the lease of any commercial
27 housing.

28 * * *

29 SECTION 5. CLAUSE (C) OF SECTION 7 OF THE ACT, AMENDED MARCH <—
30 28, 1956 (P.L.1354, NO.428), IS AMENDED TO READ:

SECTION 7. POWERS AND DUTIES OF THE COMMISSION.--THE
COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

* * *

(C) TO APPOINT SUCH ATTORNEYS, WITH THE APPROVAL OF THE
ATTORNEY GENERAL, AND OTHER EMPLOYES, HEARING EXAMINERS AND
AGENTS AS IT MAY DEEM NECESSARY, FIX THEIR COMPENSATION WITHIN
THE LIMITATIONS PROVIDED BY LAW, AND PRESCRIBE THEIR DUTIES.

* * *

Section ~~4~~ 6. Clause (i) of section 7 of the act, amended
July 9, 1969 (P.L.133, No.56), is amended to read:

<—

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

* * *

(i) To create such advisory agencies and conciliation
councils, local or state-wide, as will aid in effectuating the
purposes of this act. The Commission may itself or it may
empower these agencies and councils to (1) study the problems of
discrimination in all or specific fields of human relationships
when based on race, color, religious creed, ancestry, age, sex,
marital status or national origin, and (2) foster, through
community effort or otherwise, good will among the groups and
elements of the population of the State. Such agencies and
councils may make recommendations to the Commission for the
development of policies and procedure in general. Advisory
agencies and conciliation councils created by the Commission
shall be composed of representative citizens, serving without
pay, but the Commission may make provision for technical and
clerical assistance to such agencies and councils, and for the
payment of the expenses of such assistance.

* * *

1 SECTION 7. SECTION 9 OF THE ACT, AMENDED FEBRUARY 28, 1961 <—
2 (P.L.47, NO.19), DECEMBER 27, 1965 (P.L.1225, NO.498), AND
3 OCTOBER 11, 1967 (P.L.425, NO.190), IS AMENDED TO READ:

4 SECTION 9. PROCEDURE.--ANY INDIVIDUAL OR PERSON CLAIMING TO
5 BE AGGRIEVED BY AN ALLEGED UNLAWFUL DISCRIMINATORY PRACTICE MAY
6 MAKE, SIGN AND FILE WITH THE COMMISSION A VERIFIED COMPLAINT, IN
7 WRITING, WHICH SHALL STATE THE NAME AND ADDRESS OF THE PERSON,
8 EMPLOYER, LABOR ORGANIZATION OR EMPLOYMENT AGENCY ALLEGED TO
9 HAVE COMMITTED THE UNLAWFUL DISCRIMINATORY PRACTICE COMPLAINED
10 OF, AND WHICH SHALL SET FORTH THE PARTICULARS THEREOF AND
11 CONTAIN SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE
12 COMMISSION. THE COMMISSION UPON ITS OWN INITIATIVE OR THE
13 ATTORNEY GENERAL MAY, IN LIKE MANNER, MAKE, SIGN AND FILE SUCH
14 COMPLAINT. ANY EMPLOYER WHOSE EMPLOYES, OR SOME OF THEM, HINDER
15 OR THREATEN TO HINDER COMPLIANCE WITH THE PROVISIONS OF THIS ACT
16 MAY FILE WITH THE COMMISSION A VERIFIED COMPLAINT, ASKING FOR
17 ASSISTANCE BY CONCILIATION OR OTHER REMEDIAL ACTION, AND, DURING
18 SUCH PERIOD OF CONCILIATION OR OTHER REMEDIAL ACTION, NO
19 HEARINGS, ORDERS OR OTHER ACTIONS SHALL BE TAKEN BY THE
20 COMMISSION AGAINST SUCH EMPLOYER.

21 AFTER FILING OF ANY COMPLAINT, OR WHENEVER THERE IS REASON TO
22 BELIEVE THAT AN UNLAWFUL DISCRIMINATORY PRACTICE HAS BEEN
23 COMMITTED, THE COMMISSION SHALL MAKE A PROMPT INVESTIGATION IN
24 CONNECTION THEREWITH.

25 IF IT SHALL BE DETERMINED AFTER SUCH INVESTIGATION THAT NO
26 PROBABLE CAUSE EXISTS FOR CREDITING THE ALLEGATIONS OF THE
27 COMPLAINT, THE COMMISSION SHALL, WITHIN TEN DAYS FROM SUCH
28 DETERMINATION, CAUSE TO BE ISSUED AND SERVED UPON THE
29 COMPLAINANT WRITTEN NOTICE OF SUCH DETERMINATION, AND THE SAID
30 COMPLAINANT OR HIS ATTORNEY MAY, WITHIN TEN DAYS AFTER SUCH

1 SERVICE, FILE WITH THE COMMISSION A WRITTEN REQUEST FOR A
2 PRELIMINARY HEARING BEFORE THE COMMISSION TO DETERMINE PROBABLE
3 CAUSE FOR CREDITING THE ALLEGATIONS OF THE COMPLAINT. IF IT
4 SHALL BE DETERMINED AFTER SUCH INVESTIGATION THAT PROBABLE CAUSE
5 EXISTS FOR CREDITING THE ALLEGATIONS OF THE COMPLAINT, THE
6 COMMISSION SHALL IMMEDIATELY ENDEAVOR TO ELIMINATE THE UNLAWFUL
7 DISCRIMINATORY PRACTICE COMPLAINED OF BY CONFERENCE,
8 CONCILIATION AND PERSUASION. THE MEMBERS OF THE COMMISSION AND
9 ITS STAFF SHALL NOT DISCLOSE WHAT HAS TRANSPIRED IN THE COURSE
10 OF SUCH ENDEAVORS: PROVIDED, THAT THE COMMISSION MAY PUBLISH THE
11 FACTS IN THE CASE OF ANY COMPLAINT WHICH HAS BEEN DISMISSED, AND
12 THE TERMS OF CONCILIATION WHEN THE COMPLAINT HAS BEEN ADJUSTED,
13 WITHOUT DISCLOSING THE IDENTITY OF THE PARTIES INVOLVED.

14 IN CASE OF FAILURE SO TO ELIMINATE SUCH PRACTICE OR IN
15 ADVANCE THEREOF, IF IN THE JUDGMENT OF THE COMMISSION
16 CIRCUMSTANCES SO WARRANT, THE COMMISSION SHALL CAUSE TO BE
17 ISSUED AND SERVED A WRITTEN NOTICE, TOGETHER WITH A COPY OF SUCH
18 COMPLAINT AS THE SAME MAY HAVE BEEN AMENDED, REQUIRING THE
19 PERSON, EMPLOYER, LABOR ORGANIZATION OR EMPLOYMENT AGENCY NAMED
20 IN SUCH COMPLAINT, HEREINAFTER REFERRED TO AS RESPONDENT, TO
21 ANSWER THE CHARGES OF SUCH COMPLAINT AT A HEARING BEFORE THE
22 COMMISSION AT A TIME AND PLACE TO BE SPECIFIED IN SUCH NOTICE.
23 THE PLACE OF ANY SUCH HEARING SHALL BE IN THE COUNTY IN WHICH
24 THE ALLEGED OFFENSE WAS COMMITTED.

25 THE CASE IN SUPPORT OF THE COMPLAINT SHALL BE PRESENTED
26 BEFORE THE COMMISSION OR BEFORE A HEARING EXAMINER DESIGNATED BY
27 THE COMMISSION FOR THE PURPOSE OF HEARING SAID COMPLAINT BY ONE
28 OF ITS ATTORNEYS OR AGENTS OR BY THE COMPLAINANT'S ATTORNEY. THE
29 RESPONDENT MAY FILE A WRITTEN, VERIFIED ANSWER TO THE COMPLAINT
30 AND APPEAR AT SUCH HEARING IN PERSON OR OTHERWISE, WITH OR

1 WITHOUT COUNSEL, AND SUBMIT TESTIMONY. THE COMPLAINANT MAY
2 LIKEWISE APPEAR AT SUCH HEARING IN PERSON OR OTHERWISE, WITH OR
3 WITHOUT COUNSEL, AND SUBMIT TESTIMONY. THE COMMISSION OR THE
4 COMPLAINANT SHALL HAVE THE POWER REASONABLY AND FAIRLY TO AMEND
5 ANY COMPLAINT, AND THE RESPONDENT SHALL HAVE LIKE POWER TO AMEND
6 HIS ANSWER. THE COMMISSION SHALL NOT BE BOUND BY THE STRICT
7 RULES OF EVIDENCE PREVAILING IN COURTS OF LAW OR EQUITY. THE
8 TESTIMONY TAKEN AT THE HEARING SHALL BE UNDER OATH AND BE
9 TRANSCRIBED.

10 IF, UPON ALL THE EVIDENCE AT THE HEARING, THE COMMISSION
11 SHALL FIND THAT A RESPONDENT HAS ENGAGED IN OR IS ENGAGING IN
12 ANY UNLAWFUL DISCRIMINATORY PRACTICE AS DEFINED IN THIS ACT, THE
13 COMMISSION SHALL STATE ITS FINDINGS OF FACT, AND SHALL ISSUE AND
14 CAUSE TO BE SERVED ON SUCH RESPONDENT AN ORDER REQUIRING SUCH
15 RESPONDENT TO CEASE AND DESIST FROM SUCH UNLAWFUL DISCRIMINATORY
16 PRACTICE AND TO TAKE SUCH AFFIRMATIVE ACTION INCLUDING BUT NOT
17 LIMITED TO HIRING, REINSTATEMENT OR UPGRADING OF EMPLOYEES, WITH
18 OR WITHOUT BACK PAY, ADMISSION OR RESTORATION TO MEMBERSHIP IN
19 ANY RESPONDENT LABOR ORGANIZATION, OR SELLING OR LEASING
20 SPECIFIED COMMERCIAL HOUSING UPON SUCH EQUAL TERMS AND
21 CONDITIONS AND WITH SUCH EQUAL FACILITIES, SERVICES AND
22 PRIVILEGES OR LENDING MONEY, WHETHER OR NOT SECURED BY MORTGAGE
23 OR OTHERWISE FOR THE ACQUISITION, CONSTRUCTION, REHABILITATION,
24 REPAIR OR MAINTENANCE OF COMMERCIAL HOUSING, UPON SUCH EQUAL
25 TERMS AND CONDITIONS TO ANY PERSON DISCRIMINATED AGAINST OR ALL
26 PERSONS AS, IN THE JUDGMENT OF THE COMMISSION, WILL EFFECTUATE
27 THE PURPOSES OF THIS ACT, AND INCLUDING A REQUIREMENT FOR REPORT
28 OF THE MANNER OF COMPLIANCE. WHEN THE RESPONDENT IS A LICENSEE
29 OF THE COMMONWEALTH, THE COMMISSION SHALL INFORM THE APPROPRIATE
30 STATE LICENSING AUTHORITY OF THE ORDER WITH THE REQUEST THAT THE

1 LICENSING AUTHORITY TAKE SUCH ACTION AS IT DEEMS APPROPRIATE
2 AGAINST SUCH LICENSEE. AN APPEAL FROM THE COMMISSION'S ORDER
3 SHALL ACT AS A SUPERSEDEAS AND STAY SUCH ACTION BY THE STATE
4 LICENSING AUTHORITY UNTIL A FINAL DECISION ON SAID APPEAL. IF,
5 UPON ALL THE EVIDENCE, THE COMMISSION SHALL FIND THAT A
6 RESPONDENT HAS NOT ENGAGED IN ANY SUCH UNLAWFUL DISCRIMINATORY
7 PRACTICE, THE COMMISSION SHALL STATE ITS FINDINGS OF FACT, AND
8 SHALL ISSUE AND CAUSE TO BE SERVED ON THE COMPLAINANT AN ORDER
9 DISMISSING THE SAID COMPLAINT AS TO SUCH RESPONDENT.

10 THE COMMISSION SHALL ESTABLISH RULES OR PRACTICE TO GOVERN,
11 EXPEDITE AND EFFECTUATE THE FOREGOING PROCEDURE AND ITS OWN
12 ACTIONS THEREUNDER. [THREE] ONE OR MORE MEMBERS OF THE
13 COMMISSION OR A HEARING EXAMINER DESIGNATED BY THE COMMISSION
14 SHALL CONSTITUTE THE COMMISSION FOR ANY HEARING REQUIRED TO BE
15 HELD BY THE COMMISSION UNDER THIS ACT. THE RECOMMENDED FINDINGS,
16 CONCLUSIONS AND ORDER MADE BY SAID MEMBER OR HEARING EXAMINER
17 SHALL BE REVIEWED AND APPROVED BY THE COMMISSION BEFORE SUCH
18 ORDER MAY BE SERVED UPON THE PARTIES TO THE COMPLAINT. ANY
19 COMPLAINT FILED PURSUANT TO THIS SECTION MUST BE SO FILED WITHIN
20 NINETY DAYS AFTER THE ALLEGED ACT OF DISCRIMINATION. ANY
21 COMPLAINT MAY BE WITHDRAWN AT ANY TIME BY THE PARTY FILING THE
22 COMPLAINT.

23 Section ~~5-~~ 8. Section 11 of the act, reenacted December 19, <—
24 1974 (No.318), is reenacted to read:

25 Section 11. Penalties.--Any person who shall wilfully
26 resist, prevent, impede or interfere with the Commission, its
27 members, agents or agencies in the performance of duties
28 pursuant to this act, or shall wilfully violate an order of the
29 Commission, shall be guilty of a misdemeanor and, upon
30 conviction thereof, shall be sentenced to pay a fine of not less

1 than one hundred dollars (\$100.00) nor more than five hundred
2 dollars (\$500.00), or to undergo imprisonment not exceeding
3 thirty (30) days, or both, in the discretion of the court, but
4 procedure for the review of an order shall not be deemed to be
5 such wilful conduct.

6 Section ~~6-~~ 9. Subsection (b) of section 12 of the act, <—
7 amended December 19, 1974 (No.318), is amended to read:

8 Section 12. Construction and Exclusiveness of Remedy.--

9 * * *

10 (b) Except as provided in subsection (c), nothing contained
11 in this act shall be deemed to repeal or supersede any of the
12 provisions of any existing or hereafter adopted municipal
13 ordinance, municipal charter or of any law of this Commonwealth
14 relating to discrimination because of race, color, religious
15 creed, ancestry, age, sex, marital status, national origin or
16 handicap or disability, but as to acts declared unlawful by
17 section five of this act the procedure herein provided shall,
18 when invoked, be exclusive and the final determination therein
19 shall exclude any other action, civil or criminal, based on the
20 same grievance of the complainant concerned. If such complainant
21 institutes any action based on such grievance without resorting
22 to the procedure provided in this act, he may not subsequently
23 resort to the procedure herein. In the event of a conflict
24 between the interpretation of a provision of this act and the
25 interpretation of a similar provision contained in any municipal
26 ordinance, the interpretation of the provision in this act shall
27 apply to such municipal ordinance.

28 * * *

29 Section ~~7-~~ 10. This act shall take effect immediately. <—