

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 509

Session of
1979

INTRODUCED BY C. GEORGE, J. L. WRIGHT, JR., PETRARCA, McCALL,
NOVAK, ZITTERMANN, KOLTER, TRELLO, SEVENTY, A. K. HUTCHINSON,
LIVENGOD, MUSTO, WARGO, DeMEDIO, SHUPNIK, YAHNER, SWEET,
MANDERINO, B. F. O'BRIEN, GOODMAN, LETTERMAN, BRUNNER, FEE,
GALLAGHER, HASAY, B. D. CLARK, MILANOVICH, KUKOVICH,
DOMBROWSKI, SCHMITT, ITKIN, STUBAN, BURNS, DUFFY, GAMBLE,
MRKONIC, AUSTIN, DAWIDA, PISTELLA, STAIRS, CIMINI, PRATT,
CAPPABIANCA, MACKOWSKI, COSLETT, DeWEESE AND GREENFIELD,
MARCH 6, 1979

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, MARCH 6, 1979

AN ACT

1 Amending the act of November 26, 1978 (P.L.1212, No.286),
2 entitled "An act authorizing an employee to inspect certain
3 personnel files of his employer," providing additional rights
4 to employees and prospective employees required to undergo
5 certain physical examinations.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definitions of "employee" and "personnel
9 file" in section 1, act of November 26, 1978 (P.L.1212, No.286),
10 referred to as the Inspection of Employment Records Law, are
11 amended to read:

12 Section 1. Definitions.

13 The following words and phrases when used in this act shall
14 have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

16 "Employee." Any person currently employed, laid off with

1 reemployment rights or on leave of absence. The term "employee"
2 shall not include except for purposes of section 2.1 applicants
3 for employment, designated agents, or any other person.

4 * * *

5 "Personnel file." If maintained by the employer, any
6 application for employment, wage or salary information, notices
7 of commendations, warning or discipline, authorization for a
8 deduction or withholding of pay, fringe benefit information,
9 leave records, employment history with the employer, including
10 salary information, job title, dates of changes, retirement
11 record, attendance records and performance evaluations. The term
12 "personnel file" shall not include records of an employee
13 relating to the investigation of a possible criminal offense,
14 letters of reference, documents which are being developed or
15 prepared for use in civil, criminal or grievance procedures,
16 except for purposes of section 2.1, medical records or materials
17 which are used by the employer to plan for future operations or
18 information available to the employee under the Fair Credit
19 Reporting Act (84 Stat. 1127-1136, 15 U.S.C. § 1681 et. seq.).

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

21 Section 2.1. Decisions based on physical examinations.

22 Whenever any employer requires, as a condition of employment,
23 that every applicant for employment submit to a physical
24 examination at the expense of the employer and the applicant is
25 refused employment on the basis of the physical examination,
26 then every employer shall furnish to every applicant so refused,
27 a letter indicating specifically the reason or reasons for the
28 refusal based on the physical examination.

29 Section 3. This act shall take effect in 60 days.