

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1498 Session of
1995

INTRODUCED BY COLAFELLA, TRELLO, HENNESSEY, SCRIMENTI, MELIO,
PISTELLA AND HALUSKA, APRIL 27, 1995

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 27, 1995

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 Governor's Office; defining its functions, powers and duties;
8 providing for procedure and enforcement; providing for
9 formulation of an educational program to prevent prejudice;
10 providing for judicial review and enforcement and imposing
11 penalties," further providing for discriminatory practices by
12 reason of age.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 5(b)(1) of the act of October 27, 1955
16 (P.L.744, No.222), known as the Pennsylvania Human Relations
17 Act, amended December 20, 1991 (P.L.414, No.51), is amended to
18 read:

19 Section 5. Unlawful Discriminatory Practices.--It shall be
20 an unlawful discriminatory practice, unless based upon a bona
21 fide occupational qualification, or in the case of a fraternal
22 corporation or association, unless based upon membership in such

1 association or corporation, or except where based upon
2 applicable security regulations established by the United States
3 or the Commonwealth of Pennsylvania:

4 * * *

5 (b) For any employer, employment agency or labor
6 organization, prior to the employment, contracting with an
7 independent contractor or admission to membership, to:

8 (1) Elicit any information or make or keep a record of or
9 use any form of application or application blank containing
10 questions or entries concerning the race, color, religious
11 creed, ancestry, age except as hereinafter provided, sex,
12 national origin, past handicap or disability or the use of a
13 guide or support animal because of the blindness, deafness or
14 physical handicap of any applicant for employment or membership.
15 Prior to an offer of employment, an employer may not inquire as
16 to whether an individual has a handicap or disability or as to
17 the severity of such handicap or disability. An employer may
18 inquire as to the individual's ability to perform the essential
19 functions of the employment. When an applicant for employment or
20 membership is forty years of age or older, the applicant's age
21 shall be entered on the application. All applications received
22 from persons forty years of age or older shall be retained by
23 the employer, employment agency or labor organization receiving
24 the application for a period of at least two years. Information
25 as to age on applications shall be used for the sole purpose of
26 investigations relating to unlawful discriminatory practices by
27 reason of age.

28 * * *

29 Section 2. This act shall take effect in 60 days.