

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 985 Session of
2009

INTRODUCED BY KESSLER, DALEY, GEORGE, GOODMAN, HALUSKA, HARKINS,
JOSEPHS, KORTZ, MAHONEY, MCGEEHAN, MOUL, PAYNE, PRESTON,
READSHAW, SAYLOR, SEIP, SIPTROTH, VULAKOVICH, M. O'BRIEN,
SWANGER, BELFANTI, KULA, K. SMITH AND YOUNGBLOOD,
MARCH 18, 2009

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 22, 2009

AN ACT

1 Amending the act of May 15, 1933 (P.L.565, No.111), entitled "An
2 act relating to the powers and duties of the Department of
3 Banking and the Secretary of Banking in exercising
4 supervision over, and taking possession of and conducting or
5 liquidating the business and property of, corporations,
6 associations, and persons receiving deposits or otherwise
7 transacting a banking business, corporations acting as
8 fiduciaries, and building and loan associations; providing
9 for the payment of the expenses of the Department of Banking
10 by supervised corporations, associations, or persons, and
11 appropriating the Banking Department Fund; authorizing the
12 Department of Banking, under certain circumstances, to
13 examine corporations, associations, or persons affiliated, or
14 having business transactions with supervised corporations,
15 associations or persons; authorizing appeals to the Supreme
16 Court, and prescribing and limiting the powers and duties of
17 certain other courts and their prothonotaries, registers of
18 wills, recorders of deeds, and certain State departments,
19 commissions, and officers; authorizing certain local public
20 officers and State departments to collect fees for services
21 rendered under this act; providing penalties; and repealing
22 certain acts and parts of acts," further providing for
23 employee protection.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 1104 of the act of May 15, 1933 (P.L.565,

1 No.111), known as the Department of Banking Code, amended
2 December 9, 2002 (P.L.1604, No.209), is amended to read:

3 Section 1104. Protection of Employees.--A. No licensee may
4 discharge, threaten or otherwise discriminate or retaliate
5 against an employe regarding the employe's compensation, terms,
6 conditions, location or privileges of employment because the
7 employe or a person acting on behalf of the employe makes a good
8 faith report or is about to report, verbally or in writing, to
9 the employer or appropriate authority a violation of [this act]
10 law.

11 B. No licensee may discharge, threaten or otherwise
12 discriminate or retaliate against an employe regarding the
13 employe's compensation, terms, conditions, location or
14 privileges of employment because the employe is requested by an
15 appropriate authority to participate in an investigation,
16 hearing or inquiry held by an appropriate authority or in a
17 court action relating to a violation of [this act] law.

18 ~~C. An employe shall not be liable to a licensee in an action~~ ←

19 A LICENSEE MAY NOT BRING A CAUSE OF ACTION AGAINST AN EMPLOYE ←
20 FOR DAMAGES arising out of:

21 (1) a report under subsection A; or

22 (2) participation under subsection B.

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