THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL No. 2366 Session of 2010

INTRODUCED BY JOSEPHS, COHEN, M. O'BRIEN, BELFANTI, DONATUCCI, SIPTROTH, GIBBONS, J. TAYLOR, WHITE, FRANKEL, THOMAS, MELIO, MANDERINO, MYERS, WHEATLEY, R. TAYLOR, HARKINS AND YOUNGBLOOD, MARCH 23, 2010

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 23, 2010

AN ACT

1 2 3 4 5 6 7 8 9 10 11	Amending the act of October 27, 1955 (P.L.744, No.222), entitled, as amended, "An act prohibiting certain practices of discrimination because of race, color, religious creed, ancestry, age or national origin by employers, employment agencies, labor organizations and others as herein defined; creating the Pennsylvania Human Relations Commission in the Governor's Office; defining its functions, powers and duties; providing for procedure and enforcement; providing for formulation of an educational program to prevent prejudice; providing for judicial review and enforcement and imposing penalties," providing for credit report requirement.
12	The General Assembly of the Commonwealth of Pennsylvania
13	hereby enacts as follows:
14	Section 1. The act of October 27, 1955 (P.L.744, No.222),
15	known as the Pennsylvania Human Relations Act, is amended by
16	adding a section to read:
17	<u>Section 5.4. Credit Report Requirement(a) It shall be an</u>
18	unlawful discriminatory practice for any employer or any
19	employer's agent, representative or designee to require an
20	employe or prospective employe to consent to the creation of a
21	credit report that contains information about the employe's or

1	prospective employe's credit score, credit account balances,
2	payment history, savings or checking account balances or savings
3	or checking account numbers as a condition of employment unless
4	one of the following applies:
5	(1) Such report is substantially related to the employe's
6	<u>current or potential job.</u>
7	(2) Such report is required by law.
8	(3) The employer reasonably believes that the employe has
9	engaged in a specific activity that constitutes a violation of
10	the law.
11	(b) For the purposes of this section, "substantially related
12	to the employe's current or potential job" means the information
13	contained in the credit report is related to the position for
14	which the employe or prospective employe who is the subject of
15	the report is being evaluated because the position:
16	(1) is a managerial position which involves setting the
17	direction or control of the business;
18	(2) involves access to customers', employes' or the
19	employer's personal or financial information other than
20	information customarily provided in a retail transaction;
21	(3) involves a fiduciary responsibility to the employer,
22	including, but not limited to, the authority to issue payments,
23	transfer money or enter into contracts; or
24	(4) provides an expense account.

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

- 2 -