

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2105 Session of 2024

INTRODUCED BY SCOTT, MADDEN, McANDREW, PROBST, GIRAL, HANBIDGE, KINSEY, SCHLOSSBERG, SANCHEZ, NEILSON, HILL-EVANS, MADSEN, CERRATO, SHUSTERMAN, WAXMAN, DALEY AND GREEN, MARCH 14, 2024

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 27, 2024

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222), entitled
2 "An act prohibiting certain practices of discrimination
3 because of race, color, religious creed, ancestry, age or
4 national origin by employers, employment agencies, labor
5 organizations and others as herein defined; creating the
6 Pennsylvania Human Relations Commission in the Governor's
7 Office; defining its functions, powers and duties; providing
8 for procedure and enforcement; providing for formulation of
9 an educational program to prevent prejudice; providing for
10 judicial review and enforcement and imposing penalties,"
11 further providing for definitions.

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

14 Section 1. Section 4(b) and (c) of the act of October 27,
15 1955 (P.L.744, No.222), known as the Pennsylvania Human
16 Relations Act, are amended to read:

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

19 \* \* \*

20 (b) The term "employer" includes the Commonwealth or any
21 political subdivision or board, department, commission or school

1 district thereof and any person employing [four] two or more  
2 persons within the Commonwealth, but except as hereinafter  
3 provided, does not include religious, fraternal, charitable or  
4 sectarian corporations or associations, except such corporations  
5 or associations supported, in whole or in part, by governmental  
6 appropriations. The term "employer" with respect to  
7 discriminatory practices based on race, color, age, sex,  
8 national origin or non-job related handicap or disability,  
9 includes religious, fraternal, charitable and sectarian  
10 corporations and associations employing [four] two or more  
11 persons within the Commonwealth.

12 (c) The term "employe" [does not include (1) any individual  
13 employed in agriculture or in the domestic service of any  
14 person, (2) any individuals who, as a part of their employment,  
15 reside in the personal residence of the employer, (3) any  
16 individual employed by said individual's parents, spouse or  
17 child.] means an individual subject to an employer's power to  
18 control the nature and parameters of the individual's  
19 activities, including hiring, firing, training, scheduling,  
20 directing work and prescribing the manner in which the work  
21 should be completed. The term does not include:

22 (1) An individual who is working on a casual basis in a home  
23 or personal residence of that employer but who is employed by <--  
24 another individual. AN EMPLOYER PERFORMING DOMESTIC SERVICES AND <--  
25 IS NOT ALSO EMPLOYED BY A THIRD PARTY. For the purposes of this  
26 paragraph, the term "casual basis" means only occasionally, at  
27 comparatively long and irregular intervals, for limited and  
28 temporary purposes, with the hiring in each instance being a  
29 matter of special engagement.

30 (2) An individual employed by the individual's parent,

1 spouse or child.

2 \* \* \*

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