



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 764

PRINTERS NO. 1634

PRIME SPONSOR: B. Miller

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	See fiscal impact	See fiscal impact

**SUMMARY:** House Bill 764, Printer's Number 1634, amends Chapter 63 (Child Protective Services) of Title 23 (Domestic Relations) to permit provisional employment, pending the completion of all required background checks. This legislation would be effective immediately.

**ANALYSIS:** HB 764 amends the CPSL to allow an employer to provisionally hire an applicant who has not yet received all required background checks under the following limited conditions:

- The applicant has applied for the Pennsylvania State Police (PSP) criminal record history, Department of Human Services (DHS) background check, and FBI background clearance, and provided a copy of the completed request forms to the employer.
- The employer has received either the PSP criminal record history or the FBI background clearance.
- The employer does not know of any reason the applicant would be disqualified from working with children.
- The applicant swears or affirms in writing that he/she has not been identified as a perpetrator of a founded report of child abuse or convicted of a disqualifying offense.

An individual may be employed on a provisional basis for a period not to exceed 45 days and must work in the immediate vicinity of a permanent employee. If any of the three required background checks reveals that that provisional employee is disqualified, the employer must dismiss the employee immediately.

The provisional hiring provision only applies to child day-care centers, group day-care homes, and family child-care homes. In addition, this legislation removes the requirement that these entities apply for and receive a waiver from DHS prior to hiring an employee on a provisional basis.

**FISCAL IMPACT:** Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds and may result in a small reduction in administrative costs since DHS will no longer have to approve a waiver for hiring a provisional employee.

**PREPARED BY:** Ann Bertolino  
House Appropriations Committee (R)

**DATE:** May 28, 2021

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*