

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO.

Senate Bill 908

PRINTER'S NO.

1626

AMOUNT

No cost to the Commonwealth

FUND

General

DATE INTRODUCED

June 5, 2009

PRIME SPONSOR

Senator Robbins

HISTORY OF BILL

Referred to LOCAL GOVERNMENT, June 5, 2009
Reported as committed, June 30, 2009
First consideration, June 30, 2009
Re-referred to APPROPRIATIONS, July 8, 2009
Re-reported as amended, Jan. 26, 2010

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 908 amends The Third Class City Code (Act 317 of 1931) by amending the police officers and firefighters civil service statutory provisions to comply with the federal Americans with Disabilities Act ("ADA"). This legislation is part of a package of bills, prepared under the auspices of the Local Government Commission, which amends six municipal statutes to comply with the federal ADA. These six statutes provide the procedures by which a municipal civil service commission selects candidates for appointment as police officers or firefighters.

Under existing federal regulations, it is prohibited for an employer to conduct a medical examination of a candidate, or otherwise ask disability related questions of a candidate, prior to a conditional offer of employment.

Senate Bill 908, along with the other bills in this package (SB 908 – SB 913), is intended to accomplish the following:

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- Clearly delineate a difference between prohibited pre-offer "medical examinations" and permissible "physical and agility tests" that may occur at any time during the testing process. This change was also modified to ensure that the physical tests were "job-related and consistent with business necessity" in order to alert municipalities to possible claims based on discrimination.
- Clearly define "medical examinations" in accordance with federal law, provide for "psychological medical examinations," and specify a procedure by which medical examinations may be administered in a manner consistent with anti-discrimination laws.

A summary prepared by the Local Government Commission was used in the preparation of this fiscal note.

This act shall take effect immediately.

FISCAL IMPACT:

Enactment of this legislation will have no adverse fiscal impact to the Commonwealth.