

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 764

PRINTER NO. 1634

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 3, 2021

PRIME SPONSOR

Representative B. Miller

DESCRIPTION

House Bill 764 amends the Child Protective Services Law under Title 23 (Domestic Relations) to provide for the provisional hiring of employees while they are awaiting the results of required background checks.

House Bill 764 creates Section 6344(m.1) to allow an employer to employ an applicant on a provisional basis for a single period not to exceed 45 days if the following conditions are met:

- The applicant has applied for the three required background reports (criminal history reports from the Pennsylvania State Police, the Federal Bureau of Investigation and certification from Department of Human Services that the individual is not a perpetrator or alleged perpetrator of child abuse) and provided a copy of the completed request forms to the employer;
- The employer must have received the DHS (“ChildLine”) child abuse certification;
- The employer must have received either the PSP criminal record history or the FBI background clearance;
- The employer has no knowledge of information that would disqualify the applicant from employment; and
- The applicant swears or affirms in writing that the applicant is not disqualified from employment and has not been convicted of an offense similar in nature to those crimes listed under Section 6344(c) under the laws or former laws of the Commonwealth or any other jurisdiction.

The bill requires that if an applicant is hired on a provisional basis in accordance with Section 6344(m.1), they must work within the immediate vicinity of a permanent employee and shall not be permitted to be alone with children. If the background reports reveal that the applicant is disqualified from employment, the employer shall dismiss the applicant immediately.

The bill clarifies that Section 6344(m.1) does not apply to a child-care institution or a facility that is licensed by the Department of Human Services other than a child day-care center, group day-care home, or family child home.

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The bill eliminates the requirement that a child day-care center, group day-care home, or family child home apply for and receive a waiver from the Department of Human Services to hire employees on a provisional basis.

This act shall take effect immediately.

FISCAL IMPACT:

House Bill 764 will have no fiscal impact to the Commonwealth. The Department of Human Services may realize some operational savings from the elimination of the requirement to approve waivers to allow for hiring a provisional employee.