

AN ACT

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

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 9(b) and (e) of the act of October 27,
18 1955 (P.L.744, No.222), known as the Pennsylvania Human
19 Relations Act, amended December 20, 1991 (P.L.414, No.51), are
20 amended to read:

21 Section 9. Procedure.--* * *

22 (b) (1) After the filing of any complaint, or whenever
23 there is reason to believe that an unlawful discriminatory
24 practice has been committed, the Commission shall make a prompt

1 investigation in connection therewith. If the Commission does
2 not complete its investigation and make a determination in
3 accordance with subsection (c) within ninety days, there shall
4 be a hearing under subsection (e).

5 (2) The Commission shall send a copy of the complaint to the
6 named respondent within [thirty] ten days from the date of
7 docketing the complaint, unless otherwise required by the Fair
8 Housing Act.

9 (3) A respondent shall file a written, verified answer to
10 the complaint within thirty days of service of the complaint,
11 unless otherwise required by the Fair Housing Act. The
12 Commission, upon request of the respondent, may grant an
13 extension of not more than thirty additional days, unless
14 otherwise required by the Fair Housing Act.

15 (4) After service of the complaint, the Commission shall
16 encourage voluntary and informed predetermination settlements
17 between parties, including mediation by a neutral arbitrator
18 under rules and procedures specified by the Commission.

19 * * *

20 (e) The case in support of the complaint shall be presented
21 before the Commission or before a permanent hearing examiner
22 designated by the Commission for the purpose of hearing said
23 complaint by one of its attorneys or agents, by the
24 complainant's attorney or by a designated agent of the
25 complainant. The respondent may appear at such hearing in person
26 or otherwise, with or without counsel, and submit testimony. The
27 complainant may likewise appear at such hearing in person or
28 otherwise, with or without counsel, and submit testimony. The
29 Commission or the complainant shall have the power reasonably
30 and fairly to amend any complaint, and the respondent shall have

1 like power to amend his answer. The Commission shall not be
2 bound by the strict rules of evidence prevailing in courts of
3 law or equity. The Commission or the permanent hearing examiner
4 shall make a determination within ten days after the conclusion
5 of the hearing. The testimony taken at the hearing shall be
6 under oath and be transcribed and shall be heard for a period of
7 not more than five days.

8 * * *

9 Section 2. The act is amended by adding a section to read:

10 Section 11.1. Reimbursement Against Wrongful Claims.--After
11 a hearing under section 9(e), if a claim against a defendant is
12 determined to be unfounded, the defendant may seek and the
13 Commission shall award reimbursement from the legal costs
14 incurred during the proceedings under section 9.

15 Section 3. Section 12.1 of the act is repealed:

16 [Section 12.1. Local Human Relations Commissions.--(a) The
17 legislative body of a political subdivision may, by ordinance or
18 resolution, authorize the establishment or membership in and
19 support of a Local Human Relations Commission. The number and
20 qualifications of the members of any local commission and their
21 terms and method of appointment or removal shall be such as may
22 be determined and agreed upon by the legislative body, except
23 that no such member shall hold office in any political party.
24 Members of a local commission shall serve without salary but may
25 be paid expenses incurred in the performance of their duties.

26 (b) The legislative body of any political subdivision shall
27 have the authority to appropriate funds, in such amounts as may
28 be deemed necessary, for the purpose of contributing to the
29 operation of a local commission including the payment of its
30 share of the salary of an investigator or staff member acting

1 jointly for it and one or more other local commissions.

2 (c) The local commission shall have the power to appoint
3 such employes and staff, as it may deem necessary, to fulfill
4 its purpose including the power to appoint an investigator or
5 staff member to act jointly for it and one or more other local
6 commissions.

7 (d) The legislative bodies of political subdivisions shall
8 have the authority to grant to local commissions powers and
9 duties similar to those now exercised by the Pennsylvania Human
10 Relations Commission under the provisions of this act.

11 (e) The local human relations commission shall notify the
12 Pennsylvania Human Relations Commission of complaints received
13 involving discriminatory acts within that commission's
14 jurisdiction.]

15 Section 4. The act is amended by adding a section to read:

16 Section 12.3. Local Human Relations Commissions
17 Prohibited.--The legislative body of a political subdivision may
18 not, by ordinance or resolution, authorize the establishment or
19 membership in and support of a local human relations commission
20 with the same powers as the Pennsylvania Human Relations
21 Commission under this act.

22 Section 5. The amendment of section 9(b) and (e) of the act
23 shall apply to complaints filed with the Commission under
24 section 9(a) of the act on or after the effective date of this
25 section.

26 Section 6. This act shall take effect in 60 days.