
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 79

Session of
1977

INTRODUCED BY IRVIS, BERLIN, RAPPAPORT, O'DONNELL, BENNETT,
HASKELL, HARPER, KELLY, VALICENTI, RICHARDSON, FREIND, REED,
HOPKINS AND SCHMITT, FEBRUARY 7, 1977

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 7, 1977

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 Department of Labor and Industry; defining its functions,
8 powers and duties; providing for procedure and enforcement;
9 providing for formulation of an educational program to
10 prevent prejudice; providing for judicial review and
11 enforcement and imposing penalties," further prohibiting
12 certain practices of discrimination regarding sex, handicap
13 or disability, use of guide dogs by blind persons and
14 providing for the enforcement of compliance in the
15 Commonwealth of Pennsylvania of Title VI of the United States
16 Civil Rights Act of 1964.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The title, act of October 27, 1955 (P.L.744,
20 No.222), known as the "Pennsylvania Human Relations Act,"
21 amended February 28, 1961 (P.L.47, No.19), is amended to read:

22 AN ACT

23 Prohibiting certain practices of discrimination because of race,
24 color, religious creed, ancestry, handicap or disability, use

1 of guide dogs because of blindness of the user, age, sex or
2 national origin by employers, employment agencies, labor
3 organizations and others as herein defined; creating the
4 Pennsylvania Human Relations Commission in the [Department of
5 Labor and Industry] Governor's Office; defining its
6 functions, powers and duties; providing for procedure and
7 enforcement; providing for formulation of an educational
8 program to prevent prejudice; providing for judicial review
9 and enforcement and imposing penalties.

10 Section 2. Section 2 of the act is amended by adding a
11 subsection to read:

12 Section 2. Findings and Declaration of Policy.--

13 * * *

14 (b.1) The practice of discrimination against individuals or
15 groups by reason of their race, color, religious creed,
16 ancestry, handicap or disability, use of guide dogs because of
17 blindness of the user, age, sex or national origin by any state,
18 county, municipal or local government or public or private
19 organization or agency receiving Federal funds or Commonwealth
20 funds is a matter of grave concern to the Commonwealth.
21 Therefore, it is essential that the Commonwealth adopt a
22 procedure to ensure and enforce compliance with Title VI of the
23 Civil Rights Act of 1964 and with the Pennsylvania Human
24 Relations Act and the regulations and guidelines of both acts
25 and to offer technical assistance to both State, municipal and
26 local governments and to those public and private programs and
27 agencies receiving Federal funds or Commonwealth funds that do
28 not have the mechanisms and technical skills to enforce
29 compliance with Title VI of the Civil Rights Act of 1964 and the
30 Pennsylvania Human Relations Act in the manner specified by

1 these acts and their regulations and guidelines.

2 * * *

3 Section 3. Section 4 of the act is amended by adding clauses
4 to read:

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

7 * * *

8 (q) The term "Commonwealth funds" means any grant, subsidy,
9 guarantee, loan, appropriation, or other arrangement whereby
10 public funds are paid to any State, county, municipal or local
11 government or to any public or private organization or agency.

12 (r) The term "Federal funds" means any grant, subsidy,
13 guarantee, loan, appropriation or other arrangement whereby
14 public funds are paid to any State, county, municipal or local
15 government or to any public or private organization or agency.

16 (s) The term "recipient" means any person, activity,
17 organization or agency receiving Federal or Commonwealth funds.

18 (t) The term "technical assistance" means the provision of
19 that expertise which is necessary to enable the achievement of
20 compliance with Title VI of the Civil Rights Act of 1964 or the
21 Pennsylvania Human Relations Act.

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

23 Section 5.3. Prohibition Against Discrimination in Federal
24 or Commonwealth Financially Assisted Programs.--

25 (a) No person in the Commonwealth of Pennsylvania shall be
26 denied employment or discriminated against in the terms and
27 conditions of employment by, excluded from participation in,
28 denied the benefits of, or otherwise be subjected to
29 discrimination under any program or activity receiving Federal
30 or Commonwealth funds on the basis of his or her race, color,

religious creed, ancestry, handicap or disability, use of guide dogs because of blindness of the user, age, sex or national origin.

(b) The commission shall be responsible for the review of any program that it deems necessary to review prior to the approval of any program requiring the allocation of Federal and/or Commonwealth funds, the review of any program that it deems necessary to review during the existence of any program while such program receives Federal and/or Commonwealth funds and to receive, initiate, investigate and pass upon complaints alleging violations of Title VI of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act by recipients of Federal and/or Commonwealth funds.

(c) The commission shall promulgate such rules and regulations as are necessary to effectuate the purposes of this section.

(d) The commission shall be responsible for the review of any program or application it deems necessary to review prior to the approval of any program requiring the allocation of Federal and/or Commonwealth funds, and for the enforcement of compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-2000d-4, and the Pennsylvania Human Relations Act to ensure that programs and activities receiving any Federal funds or Commonwealth funds comply with the nondiscrimination requirements of both acts and the regulations and guidelines promulgated under both acts. All State, county, municipal or local governments or any public or private organization or agency requesting Federal or Commonwealth funds shall submit their programs to the Pennsylvania Human Relations Commission for review to ensure that the programs are in compliance with

Title VI of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act before the programs are approved and any funds are allocated. No program shall be approved, nor any Commonwealth funds be allocated, if the commission finds that the program will not be in compliance. When and if the proposed program is brought into compliance, approval will be granted.

(e) The commission shall be responsible for the review of any program that it deems necessary to review during the existence of any program while such program receives Federal and/or Commonwealth funds and for the enforcement of compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-2000d-4, and the Pennsylvania Human Relations Act to ensure that the programs and activities receiving Federal funds or Commonwealth funds comply with the nondiscrimination requirements of both acts and the regulations and guidelines promulgated under both acts.

(f) In enforcing compliance:

(1) The commission shall develop a procedure to receive, initiate, investigate and pass upon complaints alleging violations of Title VI of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act by recipients of Federal or Commonwealth funds.

(2) The commission shall have all the powers of investigation under this section that it has under section 9 of the Pennsylvania Human Relations Act.

(3) If it shall be determined after such investigation that no probable cause exists for crediting the allegations of the complaint, the commission shall cause to be issued and served upon the complainant written notice of such determination, and the said complainant or complainants' attorney may, within ten

1 days after such service, file with the commission a written
2 request for a preliminary hearing before the commission to
3 determine probable cause for crediting the allegations of the
4 complaint.

5 (4) When the commission has determined that there is a
6 recipient of Federal or Commonwealth funds that is in violation
7 of Title VI of the Civil Rights Act of 1964 or of the
8 Pennsylvania Human Relations Act, the commission shall endeavor
9 to eliminate the unlawful discriminatory practice complained of
10 by conference, conciliation and persuasion.

11 (5) In case of failure to so eliminate such practice in
12 advance thereof, if in the judgment of the commission,
13 circumstances so warrant, the commission shall cause to be
14 issued and served a written notice, together with a copy of such
15 complaint as the same may have been amended, requiring the
16 recipient named in such complaint to answer the charges of such
17 complaint at a hearing before the commission at a time and place
18 to be specified in such notice. The hearing shall be conducted
19 in accordance with the Pennsylvania Human Relations Commission's
20 Rules of Practice and Procedure, 16 Pa. Code Ch. 41, § 41.1 et
21 seq.

22 (6) After notice and hearing pursuant to the Pennsylvania
23 Human Relations Commission's Rules of Practice and Procedure,
24 the commission shall issue a final order which shall include a
25 determination of whether or not the recipient is in compliance
26 with Title VI of the Civil Rights Act of 1964 and/or the
27 Pennsylvania Human Relations Act.

28 (i) If it is found that a recipient of Federal funds is not
29 in compliance, the final order shall be sent to the
30 appropriating Federal agency with the recommendation that all or

1 part of the Federal funds be suspended or terminated, whichever
2 remedy is the most appropriate.

3 If injunctive relief is determined to be more appropriate,
4 taking into consideration the purposes of the financial
5 assistance and the probable effect of suspension or termination
6 of such assistance on the person the recipient is intended to
7 serve, such injunctive relief shall be recommended in the final
8 order.

9 (ii) If it is found that a recipient of Commonwealth funds
10 is not in compliance, the final order shall provide, along with
11 any other remedies that the commission deems appropriate that
12 all or part of the Commonwealth funds be suspended or
13 terminated, whichever remedy is the most appropriate.

14 If injunctive relief is determined to be more appropriate,
15 taking into consideration the purposes of the financial
16 assistance and the probable effect of suspension or termination
17 of such assistance on the person the recipient is intended to
18 serve, such injunctive relief shall be specified in the final
19 order.

20 (iii) If it is found that a recipient of both Federal and
21 Commonwealth funds is not in compliance, the provisions of
22 subparagraph (i) and (ii) of this section shall both be applied.
23 Suspension or termination of any Commonwealth matching funds
24 shall be effective as of the date of the final order and shall
25 not be dependent upon suspension or termination of the Federal
26 funds. Commonwealth funds may be suspended or terminated even if
27 the appropriating Federal agency does not suspend or terminate
28 the Federal funds.

29 Section 5. This act shall take effect immediately.