

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2133 Session of
1978

INTRODUCED BY BROWN, ZITTERMAN, KUKOVICH, BELOFF, ZWIKL, GRAY,
REED, LAUGHLIN, JONES, RICHARDSON, GIAMMARCO, KELLY, WHITE,
GAMBLE, DUFFY, RIEGER, CIANCIULLI, SCANLON, OLIVER, POTT,
GOEBEL, WILLIAMS, MILLER, HARPER, E. Z. TAYLOR, LYNCH AND
HOPKINS, MARCH 14, 1978

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 14, 1978

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 providing for
12 discriminatory practice.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of October 27, 1955 (P.L.744, No.222),
16 known as the "Pennsylvania Human Relations Act," is amended by
17 adding a section to read:

18 Section 5.3. Additional Discriminatory Practice.--It shall
19 be an unlawful discriminatory practice for any employer to
20 refuse to hire or employ any individual because such individual
21 is "over-qualified" or "over-educated" for the particular

1 position for which such individual is applying.

2 Section 2. Section 11 of the act, reenacted December 19,
3 1974 (P.L.966, No.318), is reenacted to read:

4 Section 11. Penalties.--Any person who shall wilfully
5 resist, prevent, impede or interfere with the Commission, its
6 members, agents or agencies in the performance of duties
7 pursuant to this act, or shall wilfully violate an order of the
8 Commission, shall be guilty of a misdemeanor and, upon
9 conviction thereof, shall be sentenced to pay a fine of not less
10 than one hundred dollars (\$100.00) nor more than five hundred
11 dollars (\$500.00), or to undergo imprisonment not exceeding
12 thirty (30) days, or both, in the discretion of the court, but
13 procedure for the review of an order shall not be deemed to be
14 such wilful conduct.

15 Section 3. This act shall take effect immediately.