

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 690 Session of
1991

INTRODUCED BY COLAFELLA, TRELLO, VEON, SALOOM, DALEY, ACOSTA,
PISTELLA, PRESTON, OLASZ, BUNT, SCRIMENTI, LAUGHLIN, CIVERA,
E. Z. TAYLOR, LESCOVITZ, KOSINSKI, BISHOP, TELEK AND JAMES,
MARCH 12, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 12, 1991

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 practices by reason of age.

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

15 Section 1. Section 5(b)(1) of the act of October 27, 1955
16 (P.L.744, No.222), known as the Pennsylvania Human Relations
17 Act, amended December 16, 1986 (P.L.1626, No.186), is amended to
18 read:

19 Section 5. Unlawful Discriminatory Practices.--It shall be
20 an unlawful discriminatory practice, unless based upon a bona
21 fide occupational qualification, or in the case of a fraternal
22 corporation or association, unless based upon membership in such

1 association or corporation, or except where based upon
2 applicable security regulations established by the United States
3 or the Commonwealth of Pennsylvania:

4 * * *

5 (b) For any employer, employment agency or labor
6 organization, prior to the employment or admission to
7 membership, to:

8 (1) Elicit any information or make or keep a record of or
9 use any form of application or application blank containing
10 questions or entries concerning the race, color, religious
11 creed, ancestry, age except as hereinafter provided, sex,
12 national origin or past handicap or disability of any applicant
13 for employment or membership. An employer may inquire as to the
14 existence and nature of a present handicap or disability. To
15 determine whether such handicap or disability substantially
16 interferes with the ability to perform the essential function of
17 the employment which is applied for, is being engaged in, or has
18 been engaged in, the employer must inquire beyond the mere
19 existence of a handicap or disability. When an applicant for
20 employment or membership is forty years of age or older, the
21 applicant's age shall be entered on the application. All
22 applications received from persons forty years of age or older
23 shall be retained by the employer, employment agency or labor
24 organization receiving the application for a period of at least
25 two years. Information as to age on applications shall be used
26 for the sole purpose of investigations relating to unlawful
27 discriminatory practices by reason of age.

28 * * *

29 Section 2. This act shall take effect in 60 days.