

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 33

Session of 2013

INTRODUCED BY MENSCH, BREWSTER, TOMLINSON, WASHINGTON, FONTANA, STACK, TEPLITZ, BAKER, RAFFERTY, ERICKSON, YUDICHAK, SMITH, KASUNIC, TARTAGLIONE, WILLIAMS, WAUGH, FARNESE, FOLMER, SOLOBAY, WARD, PILEGGI, BOSCOLA, HUGHES, VOGEL, COSTA, ALLOWAY AND SCHWANK, MARCH 15, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, OCTOBER 1, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, providing for protection from
3 employment discrimination.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 23 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6379.1. Protection from employment discrimination.

9 (a) Basis for relief.--A person may commence an action for
10 appropriate relief if all of the following apply:

11 (1) The person is required to report under section 6311
12 (relating to persons required to report suspected child
13 abuse) or encouraged to report under section 6312 (relating
14 to persons encouraged to report suspected child abuse).

15 (2) The person acted in good faith in making or causing
16 the report of suspected child abuse to be made.

1 (3) As a result of making the report of suspected child
2 abuse, the person is discharged from employment or is
3 discriminated against with respect to compensation, hire,
4 tenure, terms, conditions or privileges of employment. This
5 does not apply to an individual making a report of suspected
6 child abuse who is found to be a perpetrator because of the
7 report. OR TO ANY INDIVIDUAL WHO FAILS TO MAKE A REPORT OF <--
8 SUSPECTED CHILD ABUSE AS REQUIRED UNDER SECTION 6311
9 (RELATING TO PERSONS REQUIRED TO REPORT SUSPECTED CHILD
10 ABUSE) AND IS SUBJECT TO CONVICTION UNDER SECTION 6379
11 (RELATING TO PENALTIES) FOR FAILURE TO REPORT OR TO REFER.

12 (b) Location.--An action under this section must be filed in
13 the court of common pleas of the county in which the alleged
14 unlawful discharge or discrimination occurred.

15 (c) Relief.--Upon a finding in favor of the plaintiff, the
16 court may grant appropriate relief, which may include
17 reinstatement of the plaintiff with back pay.

18 (d) Departmental intervention.--The department may intervene
19 in an action commenced under this section.

20 Section 2. This act shall take effect January 1, 2014.