

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

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 10, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, IN CHILD PROTECTIVE SERVICES, FURTHER <--
3 PROVIDING FOR PERSONS REQUIRED TO REPORT SUSPECTED CHILD
4 ABUSE; AND providing for protection from employment
5 discrimination.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Title 23 of the Pennsylvania Consolidated~~ <--
9 ~~Statutes is amended by adding a section to read:~~

10 SECTION 1. SECTION 6311(D) OF TITLE 23 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES IS AMENDED TO READ:

12 § 6311. PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE.

13 \* \* \*

14 [(D) CIVIL ACTION FOR DISCRIMINATION AGAINST PERSON FILING
15 REPORT.--ANY PERSON WHO, UNDER THIS SECTION, IS REQUIRED TO
16 REPORT OR CAUSE A REPORT OF SUSPECTED CHILD ABUSE TO BE MADE AND
17 WHO, IN GOOD FAITH, MAKES OR CAUSES THE REPORT TO BE MADE AND,

1 AS A RESULT THEREOF, IS DISCHARGED FROM HIS EMPLOYMENT OR IN ANY  
2 OTHER MANNER IS DISCRIMINATED AGAINST WITH RESPECT TO  
3 COMPENSATION, HIRE, TENURE, TERMS, CONDITIONS OR PRIVILEGES OF  
4 EMPLOYMENT, MAY COMMENCE AN ACTION IN THE COURT OF COMMON PLEAS  
5 OF THE COUNTY IN WHICH THE ALLEGED UNLAWFUL DISCHARGE OR  
6 DISCRIMINATION OCCURRED FOR APPROPRIATE RELIEF. IF THE COURT  
7 FINDS THAT THE PERSON IS AN INDIVIDUAL WHO, UNDER THIS SECTION,  
8 IS REQUIRED TO REPORT OR CAUSE A REPORT OF SUSPECTED CHILD ABUSE  
9 TO BE MADE AND WHO, IN GOOD FAITH, MADE OR CAUSED TO BE MADE A  
10 REPORT OF SUSPECTED CHILD ABUSE AND, AS A RESULT THEREOF, WAS  
11 DISCHARGED OR DISCRIMINATED AGAINST WITH RESPECT TO  
12 COMPENSATION, HIRE, TENURE, TERMS, CONDITIONS OR PRIVILEGES OF  
13 EMPLOYMENT, IT MAY ISSUE AN ORDER GRANTING APPROPRIATE RELIEF,  
14 INCLUDING, BUT NOT LIMITED TO, REINSTATEMENT WITH BACK PAY. THE  
15 DEPARTMENT MAY INTERVENE IN ANY ACTION COMMENCED UNDER THIS  
16 SUBSECTION.]

17 SECTION 2. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:  
18 § ~~6379.1~~ 6320. Protection from employment discrimination. <--

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

21 (1) The person is required to report under section 6311  
22 (relating to persons required to report suspected child  
23 abuse) or encouraged to report under section 6312 (relating  
24 to persons encouraged to report suspected child abuse).

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

27 (3) As a result of making the report of suspected child  
28 abuse, the person is discharged from employment or is  
29 discriminated against with respect to compensation, hire,  
30 tenure, terms, conditions or privileges of employment. This <--

1 TENURE, TERMS, CONDITIONS OR PRIVILEGES OF EMPLOYMENT. <--

2 (B) APPLICABILITY.--THIS SECTION does not apply to an  
3 individual making a report of suspected child abuse who is found  
4 to be a perpetrator because of the report or to any individual  
5 who fails to make a report of suspected child abuse as required  
6 under section 6311 (relating to persons required to report  
7 suspected child abuse) and is subject to conviction under  
8 section ~~6379~~ 6319 (relating to penalties) for failure to report <--  
9 or to refer.

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

13 ~~(e)~~ (D) Relief.--Upon a finding in favor of the plaintiff, <--  
14 the court may grant appropriate relief, which may include  
15 reinstatement of the plaintiff with back pay.

16 ~~(d)~~ (E) Departmental intervention.--The department may <--  
17 intervene in an action commenced under this section.

18 Section 2. This act shall take effect January 1, 2014. <--

19 SECTION 3. THIS ACT SHALL TAKE EFFECT DECEMBER 31, 2014. <--