

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 765 Session of 2017

INTRODUCED BY MURT, V. BROWN, BULLOCK, CALTAGIRONE, DAVIDSON,  
DEAN, FRANKEL, D. MILLER, ROZZI AND SOLOMON, MARCH 9, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 9, 2017

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 Governor's Office; defining its functions, powers and duties;  
8 providing for procedure and enforcement; providing for  
9 formulation of an educational program to prevent prejudice;  
10 providing for judicial review and enforcement and imposing  
11 penalties," providing for credit report in employment.

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

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

17 Section 5.4. Credit Report in Employment.--(a) It shall be  
18 an unlawful discriminatory practice for an employer to require,  
19 as a condition of employment, an employe or prospective employe  
20 to consent to the creation of a credit report that contains  
21 information about the employe's or prospective employe's credit  
22 score, credit account balances, payment history, savings or

1 checking account balances or savings or checking account numbers  
2 unless one of the following applies:

3 (1) The report is substantially related to the employe's  
4 current or potential job.

5 (2) The report is required by law.

6 (3) The position is with the Office of Attorney General,  
7 Pennsylvania State Police or another law enforcement agency.

8 (b) For the purposes of this section, the term  
9 "substantially related to the employe's current or potential  
10 job" means related to the position for which the employe or  
11 prospective employe who is the subject of the report is being  
12 evaluated because the position:

13 (1) is a managerial position which involves setting the  
14 direction or control of the business;

15 (2) involves access to customers', employes' or the  
16 employer's personal or financial information other than  
17 information customarily provided in a retail transaction;

18 (3) involves a fiduciary responsibility to the employer,  
19 including the authority to issue payments, transfer money or  
20 enter into contracts;

21 (4) requires access to confidential or proprietary  
22 information that derives value from secrecy and efforts are made  
23 to keep it secret; or

24 (5) involves regular access during the work day to cash  
25 totaling at least \$10,000.

26 Section 2. The addition of section 5.4 of the act shall not  
27 apply to employment contracts entered into or renewed prior to  
28 the effective date of this section.

29 Section 3. This act shall take effect in 60 days.