

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2503 Session of 2020

INTRODUCED BY B. MILLER, RYAN, RADER, ZIMMERMAN, DRISCOLL, MACKENZIE, STURLA, MENTZER, THOMAS, WILLIAMS, MURT, GREINER AND KORTZ, MAY 12, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 10, 2020

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for employees having contact with children and
4 adoptive and foster parents.

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

7 Section 1. Section 6344(m) of Title 23 of the Pennsylvania
8 Consolidated Statutes, amended July 2, 2019 (P.L.336, No.47), is
9 amended to read:

10 § 6344. Employees having contact with children; adoptive and
11 foster parents.

12 \* \* \*

13 (m) ~~Provisional employees for limited periods. [Employers, <--~~
14 ~~administrators, supervisors or other persons] An employer,~~
15 ~~administrator, supervisor or other person responsible for~~
16 ~~employment decisions may [not] employ [applicants] an applicant~~
17 ~~on a provisional basis[, except that the department is~~
18 ~~authorized to grant a waiver of this provision upon request from~~

1 ~~a] for a single period not to exceed 45 days. A child day care-~~  
2 ~~center, group day care home or family child care home[. If a-~~  
3 ~~child day care center, group day care home or family child care-~~  
4 ~~home is granted a waiver, an applicant may be employed] may~~  
5 ~~employ an applicant on a provisional basis for a single period-~~  
6 ~~not to exceed 45 days only if, upon request, the department~~  
7 ~~grants a waiver. In order for an employer, administrator,~~  
8 ~~supervisor or other person responsible for employment decisions-~~  
9 ~~to employ an applicant on a provisional basis for a single-~~  
10 ~~period not to exceed 45 days, [if] all of the following-~~  
11 ~~conditions [are] must be met:~~

12       ~~(1) The applicant has applied for the information-~~  
13 ~~required under subsection (b) and the applicant provides a-~~  
14 ~~copy of the appropriate completed request forms to the-~~  
15 ~~employer, administrator, supervisor or other person-~~  
16 ~~responsible for employment decisions.~~

17       ~~(2) The employer, administrator, supervisor or other-~~  
18 ~~person responsible for employment decisions has no knowledge-~~  
19 ~~of information pertaining to the applicant which would-~~  
20 ~~disqualify [him] the applicant from employment pursuant to-~~  
21 ~~subsection (c).~~

22       ~~(3) The applicant swears or affirms in writing that [he]-~~  
23 ~~the applicant is not disqualified from employment pursuant to-~~  
24 ~~subsection (c) or has not been convicted of an offense-~~  
25 ~~similar in nature to those crimes listed in subsection (c)-~~  
26 ~~under the laws or former laws of the United States or one of-~~  
27 ~~its territories or possessions, another state, the District-~~  
28 ~~of Columbia, the Commonwealth of Puerto Rico or a foreign-~~  
29 ~~nation, or under a former law of this Commonwealth.~~

30       ~~(3.1) [A child day care center, group day care home or-~~

1 ~~family child care home] The employer, administrator,~~  
2 ~~supervisor or other person responsible for employment~~  
3 ~~decisions received the result of the report of the criminal~~  
4 ~~history record information under subsection (b) (1) or (3).~~

5 ~~(4) If the information obtained pursuant to subsection~~  
6 ~~(b) reveals that the applicant is disqualified from~~  
7 ~~employment pursuant to subsection (c), the applicant shall be~~  
8 ~~immediately dismissed by the employer, administrator,~~  
9 ~~supervisor or other person responsible for employment~~  
10 ~~decisions.~~

11 ~~(5) The employer, administrator, supervisor or other~~  
12 ~~person responsible for employment decisions requires that the~~  
13 ~~applicant not be permitted to work alone with children and~~  
14 ~~that the applicant work in the immediate vicinity of a~~  
15 ~~permanent employee.~~

16 (M) PROVISIONAL EMPLOYEES FOR LIMITED PERIODS.--[EMPLOYERS, <--  
17 ADMINISTRATORS, SUPERVISORS OR OTHER PERSONS RESPONSIBLE FOR  
18 EMPLOYMENT DECISIONS MAY NOT EMPLOY APPLICANTS ON A PROVISIONAL  
19 BASIS, EXCEPT THAT THE DEPARTMENT IS AUTHORIZED TO GRANT A  
20 WAIVER OF THIS PROVISION UPON REQUEST FROM A CHILD DAY-CARE  
21 CENTER, GROUP DAY-CARE HOME OR FAMILY CHILD-CARE HOME. IF A  
22 CHILD DAY-CARE CENTER, GROUP DAY-CARE HOME OR FAMILY CHILD-CARE  
23 HOME IS GRANTED A WAIVER, AN APPLICANT MAY BE EMPLOYED ON A  
24 PROVISIONAL BASIS FOR A SINGLE PERIOD NOT TO EXCEED 45 DAYS, IF  
25 ALL OF THE FOLLOWING CONDITIONS ARE MET:

26 (1) THE APPLICANT HAS APPLIED FOR THE INFORMATION  
27 REQUIRED UNDER SUBSECTION (B) AND THE APPLICANT PROVIDES A  
28 COPY OF THE APPROPRIATE COMPLETED REQUEST FORMS TO THE  
29 EMPLOYER, ADMINISTRATOR, SUPERVISOR OR OTHER PERSON  
30 RESPONSIBLE FOR EMPLOYMENT DECISIONS.

1 (2) THE EMPLOYER, ADMINISTRATOR, SUPERVISOR OR OTHER  
2 PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS HAS NO KNOWLEDGE  
3 OF INFORMATION PERTAINING TO THE APPLICANT WHICH WOULD  
4 DISQUALIFY HIM FROM EMPLOYMENT PURSUANT TO SUBSECTION (C).

5 (3) THE APPLICANT SWEARS OR AFFIRMS IN WRITING THAT HE  
6 IS NOT DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUBSECTION  
7 (C) OR HAS NOT BEEN CONVICTED OF AN OFFENSE SIMILAR IN NATURE  
8 TO THOSE CRIMES LISTED IN SUBSECTION (C) UNDER THE LAWS OR  
9 FORMER LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR  
10 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE  
11 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION, OR UNDER A  
12 FORMER LAW OF THIS COMMONWEALTH.

13 (3.1) A CHILD DAY-CARE CENTER, GROUP DAY-CARE HOME OR  
14 FAMILY CHILD-CARE HOME RECEIVED THE RESULT OF THE REPORT OF  
15 THE CRIMINAL HISTORY RECORD INFORMATION UNDER SUBSECTION (B)  
16 (1) OR (3).

17 (4) IF THE INFORMATION OBTAINED PURSUANT TO SUBSECTION  
18 (B) REVEALS THAT THE APPLICANT IS DISQUALIFIED FROM  
19 EMPLOYMENT PURSUANT TO SUBSECTION (C), THE APPLICANT SHALL BE  
20 IMMEDIATELY DISMISSED BY THE EMPLOYER, ADMINISTRATOR,  
21 SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT  
22 DECISIONS.

23 (5) THE EMPLOYER, ADMINISTRATOR, SUPERVISOR OR OTHER  
24 PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS REQUIRES THAT THE  
25 APPLICANT NOT BE PERMITTED TO WORK ALONE WITH CHILDREN AND  
26 THAT THE APPLICANT WORK IN THE IMMEDIATE VICINITY OF A  
27 PERMANENT EMPLOYEE.]

28 (1) AN EMPLOYER, ADMINISTRATOR, SUPERVISOR OR OTHER  
29 PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS MAY EMPLOY AN  
30 APPLICANT ON A PROVISIONAL BASIS FOR A SINGLE PERIOD NOT TO

1 EXCEED 45 DAYS IF THE FOLLOWING CONDITIONS ARE MET:

2 (I) THE APPLICANT HAS APPLIED FOR THE INFORMATION  
3 REQUIRED UNDER SUBSECTION (B) AND PROVIDED A COPY OF THE  
4 APPROPRIATE COMPLETED REQUEST FORMS TO THE EMPLOYER,  
5 ADMINISTRATOR, SUPERVISOR OR OTHER PERSON RESPONSIBLE FOR  
6 EMPLOYMENT DECISIONS.

7 (II) THE EMPLOYER, ADMINISTRATOR, SUPERVISOR OR  
8 OTHER PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS HAS NO  
9 KNOWLEDGE OF INFORMATION THAT WOULD DISQUALIFY THE  
10 APPLICANT FROM EMPLOYMENT UNDER SUBSECTION (C).

11 (III) THE APPLICANT SWEARS OR AFFIRMS IN WRITING  
12 THAT THE APPLICANT IS NOT DISQUALIFIED FROM EMPLOYMENT  
13 UNDER SUBSECTION (C) AND HAS NOT BEEN CONVICTED OF AN  
14 OFFENSE SIMILAR IN NATURE TO THOSE CRIMES LISTED IN  
15 SUBSECTION (C) UNDER THE LAWS OR FORMER LAWS OF THIS  
16 COMMONWEALTH OR ANY OTHER JURISDICTION.

17 (IV) THE EMPLOYER, ADMINISTRATOR, SUPERVISOR OR  
18 OTHER PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS HAS  
19 RECEIVED THE RESULT OF THE REPORT OF THE CRIMINAL HISTORY  
20 RECORD INFORMATION UNDER SUBSECTION (B) (1) OR (3).

21 (2) AN EMPLOYEE HIRED ON A PROVISIONAL BASIS UNDER THIS  
22 SUBSECTION MUST WORK IN THE IMMEDIATE VICINITY OF A PERMANENT  
23 EMPLOYEE AND SHALL NOT BE PERMITTED TO BE ALONE WITH  
24 CHILDREN.

25 (3) IF THE INFORMATION OBTAINED IN ACCORDANCE WITH  
26 SUBSECTION (B) REVEALS THAT THE APPLICANT IS DISQUALIFIED  
27 FROM EMPLOYMENT PURSUANT TO SUBSECTION (C), THE APPLICANT  
28 SHALL BE DISMISSED IMMEDIATELY.

29 (4) THIS SUBSECTION DOES NOT APPLY TO A CHILD-CARE  
30 INSTITUTION WITHIN THE MEANING OF 42 U.S.C. § 672 (RELATING

1 TO FOSTER CARE MAINTENANCE PAYMENTS PROGRAM) OR FACILITY THAT  
2 SERVES CHILDREN AND IS LICENSED BY THE DEPARTMENT OF HUMAN  
3 SERVICES, OTHER THAN A CHILD DAY-CARE CENTER, GROUP DAY-CARE  
4 HOME OR FAMILY CHILD-CARE HOME.

5 \* \* \*

6 Section 2. This act shall take effect January 1, 2021.