
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 98 Session of
2021

INTRODUCED BY STREET, FONTANA, MUTH, SANTARSIERO, TARTAGLIONE,
BLAKE, COSTA AND KANE, JANUARY 25, 2021

REFERRED TO LABOR AND INDUSTRY, JANUARY 25, 2021

AN ACT

1 Prohibiting discrimination against individuals based on
2 unemployment status; providing for powers and duties of the
3 Department of Labor and Industry; and imposing a penalty.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Fair Chance
8 for Employment Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Applicant." An individual pursuing employment with an
14 employer or with or through an employment agency.

15 "Department." The Department of Labor and Industry of the
16 Commonwealth.

17 "Employer." Any of the following:

18 (1) The Commonwealth.

1 (2) A political subdivision.

2 (3) An instrumentality of the Commonwealth or a
3 political subdivision.

4 (4) A person or private entity that employs five or more
5 employees in the current or preceding calendar year and an
6 agent of the person or entity.

7 "Employment." An occupation or vocation.

8 "Employment agency." A person or entity, or an agent
9 thereof, regularly undertaking with or without compensation the
10 procurement of employees for an employer or to procure
11 opportunities for individuals to work for an employer.

12 "Unemployment status." An individual's current or recent
13 unemployment.

14 Section 3. Prohibition.

15 (a) Prohibition.--An employer or employment agency may not
16 use an applicant's unemployment status as a factor to consider
17 with regard to the hiring or compensation level of an applicant.

18 (b) Exception.--Nothing in this section shall be construed
19 to prohibit an employer or employment agency from posting a job
20 announcement that provides qualifications for a job opening,
21 including, but not limited to:

22 (1) Holding a current and valid professional or
23 occupational license, certificate, registration, permit or
24 other credential.

25 (2) A minimum level of education or training or
26 professional, occupational or field experience.

27 Section 4. Enforcement.

28 (a) Penalty.--The department, after reasonable
29 investigation, may assess a penalty not to exceed \$500 for a
30 violation of section 3.

1 (b) Procedure.--An action or adjudication of the department
2 under this section shall be subject to 2 Pa.C.S. Chs. 5 Subch. A
3 (relating to practice and procedure of Commonwealth agencies)
4 and 7 Subch. A (relating to judicial review of Commonwealth
5 agency action).

6 Section 5. Effective date.

7 This act shall take effect in 90 days.