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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 68 Session of  
2019

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INTRODUCED BY STREET, COSTA AND HUGHES, JANUARY 23, 2019

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REFERRED TO LABOR AND INDUSTRY, JANUARY 23, 2019

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AN ACT

1 Prohibiting discrimination against persons based on unemployment  
2 status; providing for powers and duties of the Department of  
3 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." A person pursuing employment with an employer  
14 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.

19 (2) A political subdivision.

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

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

6 "Employment." An occupation or vocation.

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

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

### 13 Section 3. Prohibition.

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

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

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

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

### 26 Section 4. Enforcement.

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

30 (b) Procedure.--An action or adjudication of the department

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

5 Section 5. Effective date.

6 This act shall take effect in 90 days.