

## No. 534

## AN ACT

## HB 2229

Amending the act of October 27, 1955 (P. L. 744), entitled, as amended, "An act prohibiting certain practices of discrimination because of race, color, religious creed, ancestry, age or national origin by employers, employment agencies, labor organizations and others as herein defined; creating the Pennsylvania Human Relations Commission in the Department of Labor and Industry; defining its functions, powers and duties; providing for procedure and enforcement; providing for formulation of an educational program to prevent prejudice; providing for judicial review and enforcement and imposing penalties," extending provisions of the act to employers of six or more persons and, with respect to race, color, ancestry, age and national origin, to certain religious, fraternal, charitable and sectarian corporations or associations and providing enforcement and penalty provisions.

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

Section 1. Subsection (b) of section 4, act of October 27, 1955 (P. L. 744), known as the "Pennsylvania Human Relations Act," amended February 28, 1961 (P. L. 47), is amended to read:

Section 4. Definitions.—As used in this act unless a different meaning clearly appears from the context:

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(b) The term "employer" includes the Commonwealth or any political subdivision or board, department, commission or school district thereof and any person employing [twelve] six or more persons within the Commonwealth, but except as hereinafter provided, does not include religious, fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported, in whole or in part, by governmental appropriations. The term "employer" with respect to discriminatory practices based on race, color, age or national origin, includes religious, fraternal, charitable and sectarian corporations and associations employing six or more persons within the Commonwealth.

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Section 2. The first paragraph and subsections (a) and (b) of section 5 and section 10 of the act, amended February 28, 1961 (P. L. 47), are reenacted <sup>1</sup> and amended to read:

Section 5. Unlawful Discriminatory Practices.—It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or in the case of a fraternal corporation or association,

<sup>1</sup> "as" in original.

unless based upon membership in such association or corporation, or except where based upon applicable security regulations established by the United States or the Commonwealth of Pennsylvania:

(a) For any employer because of the race, color, religious creed, ancestry, age or national origin of any individual to refuse to hire or employ, or to bar or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment, if the individual is the best able and most competent to perform the services required. The provision of this paragraph shall not apply, to (1) termination of employment because of the terms or conditions of any bona fide retirement or pension plan, (2) operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement, (3) operation of the terms or conditions of any bona fide group or employe insurance plan.

(b) For any employer, employment agency or labor organization, prior to the employment or admission to membership, to

(1) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, color, religious creed, ancestry or national origin of any applicant for employment or membership.

(2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race, color, religious creed, ancestry, age or national origin.

(3) Deny or limit, through a quota system, employment or membership because of race, color, religious creed, ancestry, age, national origin or place of birth.

(4) Substantially confine or limit recruitment or hiring of individuals, with intent to circumvent the spirit and purpose of this act, to any employment agency, employment service, labor organization, training school or training center or any other employe-referring source which services individuals who are predominantly of the same race, color, religious creed, ancestry, age or national origin.

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Section 10. Enforcement and Judicial Review.—The complainant, the Attorney General or the Commission may secure enforcement of the order of the Commission or other appropriate relief by the Court of Common Pleas of Dauphin County. When the Commission has heard and decided any complaint brought before it, enforcement of its order shall be initiated by the filing of a petition in such court, together with

a transcript of the record of the hearing before the Commission, and issuance and service of a copy of said petition as in proceedings in equity. When enforcement of a Commission order is sought, the court may make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, an order or decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, the order of the Commission, and the jurisdiction of the court shall not be limited by acts pertaining to equity jurisdiction of the courts. An appeal may be taken as in other civil actions.

Any failure to obey an order of the court may be punished by said court as a contempt thereof.

The Commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost, and for the purpose of enforcement or judicial review of the order. The case shall be heard without requirement of printing.

Any order of the Commission may be reviewed under the provisions of the act of June four, one thousand nine hundred forty-five (Pamphlet Laws 1388), known as the "Administrative Agency Law," and its amendments.

Section 3. Section 11 of the act is reenacted to read:

Section 11. Penalties.—Any person who shall wilfully resist, prevent, impede or interfere with the Commission, its members, agents or agencies in the performance of duties pursuant to this act, or shall wilfully violate an order of the Commission, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or to undergo imprisonment not exceeding thirty (30) days, or both, in the discretion of the court, but procedure for the review of an order shall not be deemed to be such wilful conduct.

APPROVED—The 24th day of January, A. D. 1966.

WILLIAM W. SCRANTON

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No. 535

AN ACT

SB 766

Providing for and regulating the licensing of landscape architects; fixing fees; creating the State Board of Landscape Architects; imposing powers and duties on the Department of State, the Commissioner of Professional and Occupational Affairs and the board; and prescribing unlawful acts and penalties.