

No. 2014-34

## AN ACT

SB 33

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for persons required to report suspected child abuse; and providing for protection from employment discrimination.

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

Section 1. Section 6311(d) of Title 23 of the Pennsylvania Consolidated Statutes is amended to read:

§ 6311. Persons required to report suspected child abuse.

\* \* \*

**[(d) Civil action for discrimination against person filing report.—Any person who, under this section, is required to report or cause a report of suspected child abuse to be made and who, in good faith, makes or causes the report to be made and, as a result thereof, is discharged from his employment or in any other manner is discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, may commence an action in the court of common pleas of the county in which the alleged unlawful discharge or discrimination occurred for appropriate relief. If the court finds that the person is an individual who, under this section, is required to report or cause a report of suspected child abuse to be made and who, in good faith, made or caused to be made a report of suspected child abuse and, as a result thereof, was discharged or discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment, it may issue an order granting appropriate relief, including, but not limited to, reinstatement with back pay. The department may intervene in any action commenced under this subsection.]**

Section 2. Title 23 is amended by adding a section to read:

**§ 6320. Protection from employment discrimination.**

**(a) Basis for relief.—A person may commence an action for appropriate relief if all of the following apply:**

**(1) The person is required to report under section 6311 (relating to persons required to report suspected child abuse) or encouraged to report under section 6312 (relating to persons encouraged to report suspected child abuse).**

**(2) The person acted in good faith in making or causing the report of suspected child abuse to be made.**

**(3) As a result of making the report of suspected child abuse, the person is discharged from employment or is discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment.**

**(b) Applicability.**—*This section does not apply to an individual making a report of suspected child abuse who is found to be a perpetrator because of the report or to any individual who fails to make a report of suspected child abuse as required under section 6311 and is subject to conviction under section 6319 (relating to penalties) for failure to report or to refer.*

**(c) Location.**—*An action under this section must be filed in the court of common pleas of the county in which the alleged unlawful discharge or discrimination occurred.*

**(d) Relief.**—*Upon a finding in favor of the plaintiff, the court may grant appropriate relief, which may include reinstatement of the plaintiff with back pay.*

**(e) Departmental intervention.**—*The department may intervene in an action commenced under this section.*

Section 3. This act shall take effect December 31, 2014.

APPROVED—The 15th day of April, A.D. 2014

TOM CORBETT