

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1517

PRINTER'S NO. 4285

AMOUNT

No cost to the Commonwealth

FUND

General

DATE INTRODUCED

May 26, 2009

PRIME SPONSOR

Representative Freeman

HISTORY OF BILL

Referred to LOCAL GOVERNMENT, May 26, 2009
Reported as committed, June 9, 2009
First consideration, June 9, 2009
Re-committed to RULES, June 9, 2009
Re-reported as committed, June 15, 2009
Re-committed to APPROPRIATIONS, June 15, 2009
Re-reported as committed, June 16, 2009
Laid on the table, July 8, 2009
Removed from table, July 8, 2009
Second consideration, July 14, 2009
Third consideration and final passage, July 15, 2009 (196-0)
In the Senate
Referred to LOCAL GOVERNMENT, July 17, 2009
Reported as amended, Feb. 2, 2010
First consideration, Feb. 2, 2010
Re-referred to APPROPRIATIONS, March 17, 2010
Re-reported as amended, Sept. 21, 2010

DESCRIPTION AND PURPOSE OF BILL

House Bill 1517 amends The Third Class City Code (Act 317 of 1931) by amending the police officers and firefighters civil service statutory provisions to comply with the federal Americans with Disabilities Act ("ADA"). This legislation is part of a package of bills, prepared under the auspices of the Local Government Commission, which amends six municipal statutes to comply with the federal ADA. These six statutes provide the procedures by which a municipal civil service commission selects candidates for appointment as police officers or firefighters.

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As amended by amendment number A07905, the legislation would amend the police officers and firefighters civil service statutory provisions to expressly authorize the establishment of an eligibility list comprised of the top three scoring candidates of a promotional examination. The governing body or appointing officer may promote any candidate in the promotion eligibility list and is not required to promote the top scoring candidate.

Under existing federal regulations, it is prohibited for an employer to conduct a medical examination of a candidate, or otherwise ask disability related questions of a candidate, prior to a conditional offer of employment.

House Bill 1517 is intended to accomplish the following:

- Clearly delineate a difference between prohibited pre-offer “medical examinations” and permissible “physical and agility tests” that may occur at any time during the testing process. This change was also modified to ensure that the physical tests were “job-related and consistent with business necessity” in order to alert municipalities to possible claims based on discrimination.
- Clearly define “medical examinations” in accordance with federal law, provide for “psychological medical examinations,” and specify a procedure by which medical examinations may be administered in a manner consistent with anti-discrimination laws.

A summary prepared by the Local Government Commission was used in the preparation of this fiscal note.

House Bill 1517 is substantially similar to Senate Bill 908.

This act shall take effect immediately.

FISCAL IMPACT:

Enactment of this legislation will have no adverse fiscal impact to the Commonwealth.