



An Update from PRPS on Provisional Hiring and Act 47 ACTION ALERT

A new law that takes effect on December 31 may dramatically impact the ability of both public and private park and recreation programs in Pennsylvania to hire seasonal employees, especially for the summer of 2020. PRPS is closely monitoring this development. We are communicating to legislators and Wolf administration officials the potential for the new law to disrupt the ability of municipal recreation programs, summer camps, pools and private recreation centers and other seasonal employers across the Commonwealth to staff their programs and facilities this coming summer unless there is a legislative fix to the problem.

Background

This past June, the Pennsylvania General Assembly passed House Bill 235, which became Act 47 with Governor Wolf's signature. House Bill 235 was originally approved by the House as a bill pertaining to adoption by incarcerated parents. The Senate amended the bill with the provisional hiring language on June 27, when legislators were focused on approving the state budget due on June 30 and there were dozens of bills moving across the Capitol. The House then concurred in the Senate's amendments the next day on June 28.

Under current Pennsylvania law, employers of 14 to 17-year olds responsible for child welfare or child supervision in a summer camp or similar program are able to obtain a 90-day waiver of various background checks provided certain requirements were met.

Act 47, the new law that takes effect on December 31, reduces the waiver period to 45 days **and only allows the waiver to be granted to child day care centers, group day care homes or family childcare homes.**

Here is a link to the December 4 press release and public notice from the Department of Human Services on the new law: www.media.pa.gov/Pages/DHS_details.aspx?newsid=462.

Given the overwhelming number of 14 to 17-year olds who wish to work in summer employment involving children across Pennsylvania, and given the number of facilities and programs that need to hire them, PRPS is concerned that the number of applicants will overwhelm the ability of the Department of Human Services and other agencies to process background checks in a timely fashion. Even with the best of intentions and getting the word out early, we all know that many teenagers--being teenagers--may not begin their search for summer employment until well into the spring.

Update

The Department of Human Services (DHS) is acutely aware of the problems that Act 47 may cause for seasonal employers in the Commonwealth, especially for the summer of 2020.

Treasure Gallagher from DHS made a presentation and answered questions on the new provisional hiring law at the PRPS Fall Membership Meeting in Harrisburg on November 20. Sandra Weaver from Penn State University's Youth Program Compliance Department also participated in this forum. As a service to all PRPS members, we have made an audio recording of this session available on the web at <https://www.youtube.com/watch?v=WT7oInpolo4&feature=youtu.be>

During her presentation, Ms. Gallagher referenced a legislative fix for this issue that is being discussed in the Pennsylvania General Assembly. PRPS has communicated its concerns with the new law to legislators, including all members and staff of the House Children and Youth Committee that has jurisdiction on this issue.

Since a legislative remedy was not possible during the remaining House and Senate session days in 2019, Act 47 will take effect as scheduled on December 31.

In the last few days we have learned that DHS and legislators are considering an amendment to Act 47 that would restore the current option of a 90-day provisional hiring period for programs not licensed by DHS.

The earliest that a bill with this amendment to Act 47 could be considered by both the House and the Senate is late January.

Please stay tuned and keep an eye out for further updates on this important issue and a potential call to action by PRPS.