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Client Alert

Pennsylvania Municipalities Expand Anti-Discrimination Laws

LEHIGH COUNTY'S HUMAN RELATIONS ORDINANCE

WHAT'S NEW: Lehigh County has enacted the Lehigh County Human Relations Ordinance (LCHRO) aiming to ensure its citizens receive equal opportunities in employment, housing, education, healthcare, and use of public accommodations. The ordinance also imposes "ban-the-box" rules and a ban on salary history inquiries.

WHAT IT MEANS: Employers in Lehigh County may not discriminate against an individual based on the following actual or perceived protected characteristics:

- race, ethnicity, color, religion, creed, national origin or citizenship status, or ancestry;
- sex (including pregnancy, childbirth, and related medical conditions), gender identity, gender expression, sexual orientation, genetic information, marital status, or familial status;
- GED rather than high school diploma;
- physical or mental disability, or relationship or association with a disabled person;
- source of income;
- age;
- height or weight;
- veteran status;
- use of guide or support animals or mechanical aids;
- domestic or sexual violence victim status; or
- Individuals 35 years of age or older.

Additionally, the LCHRO also prohibits employers from asking applicants about criminal convictions, requiring disclosure of criminal convictions during the application stage, and considering conviction records that do not relate to an applicant's suitability for employment. Employers may also not inquire about the applicant's salary history.

WHAT EMPLOYERS SHOULD DO

Lehigh County employers should review and revise their hiring procedures to ensure they are not making prohibited inquiries. Employers should also review their Equal Employment Opportunity policies and update them to include the protected characteristics under the LCHRO.

CITY OF PITTSBURG EXPANDS ANTI-DISCRIMINATION LAWS TO INCLUDE MEDICAL MARIJUANA

WHAT'S NEW: The Pittsburgh City Council passed an ordinance prohibiting an employer from discriminating against an employee or applicant who is a medical marijuana patient.

WHAT IT MEANS: Pittsburgh employers may not discriminate against an employee or applicant who is a medical marijuana patient. Employers may not require pre-employment testing for marijuana or marijuana testing during the course of employment as a condition of employment.

WHAT EMPLOYERS SHOULD DO

Pittsburgh employers should review their drug testing procedures to ensure they are not testing applicants or employees for marijuana. Any Pittsburg employers who are currently testing for marijuana should stop this practice.

Please reach out to your Engage Human Resources Partner if you have any questions concerning this alert or other H.R.-related matters.