In the proposed rulemaking, the Pennsylvania Human Relations Commission (PHRC) proposed to amend 16 Pa. Code Chapter 41 (preliminary provisions) by creating Subchapter D of Chapter 41. Subchapter D defines terms used in the Pennsylvania Human Relations Act (PHRA) and the Pennsylvania Fair Educational Opportunities Act (PFEOA). The terms being defined include sex, religious creed, and race.

The final-form rulemaking also creates Subchapter D of Chapter 41 and maintains the same definitions for sex, religious creed, and race as contained in the proposed rulemaking.

The authority for these regulations is the “Pennsylvania Human Relations Act” (PHRA), the Act of 1955, P.L. 744, No. 222, as amended June 25, 1997 by Act 34 of 1997 (43 P.S. § 957(d); 43 P.S. § 959(g)).
The authority for these regulations is also the “Pennsylvania Fair Educational Opportunities Act” (PFEOA), the Act of July 17, 1961, P.L. 776, as amended December 22, 1992 by Act 187 of 1992 (24 P.S. § 5006(6); 24 P.S. § 5007).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The proposed regulations are not mandated by any federal or state law, court order, or federal regulations, but are expressly authorized by the statutory authority referenced in (8) above.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The PHRA and the PFEOA grant the PHRC, as an independent agency, the power and duty to promulgate regulations to effectuate the provisions of the PHRA and the PFEOA. The PHRA and the PFEOA also require the PHRC to “establish rules of practice to govern, expedite and effectuate” the procedures outlined in the PHRA and the PFEOA and the PHRC’s actions under the PHRA and the PFEOA. 43 P.S. § 959(g). The PHRC recognizes that certain terms are not defined in the PHRA and the PFEOA. Given the lack of clarity as to the interpretation of the PHRA and the PFEOA, because certain terms are not explained, the PHRC recognizes a compelling public interest in clarifying their meaning.

All citizens of the Commonwealth of Pennsylvania are the primary beneficiaries of the proposed regulation. The proposed regulation is intended to define terms used in the PHRA and the PFEOA so that individuals, employees, students, and members of the public understand the protections provided by the PHRA and the PFEOA. By defining sex, religious creed, and race, individuals who are discriminated against will better understand how they are protected by these laws. These definitions will also provide employers, housing providers, public accommodations, schools, and all persons required to comply with the PHRA and the PFEOA with a better understanding of the requirements of the PHRA and the PFEOA and the way they must comply with these laws. The proposed regulation eliminates any confusion as to the way the terms sex, religious creed, or race may be interpreted when a complaint of discrimination is filed with the PHRC.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No provisions are more stringent than federal standards.

The proposed regulation provides a comprehensive definition pertaining to the protected class of sex, including pregnancy, childbirth, breastfeeding, sex assigned at birth, gender identity or expression, affectional or sexual orientation, and differences in sex development. Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. §§ 2000e – 2000e17 (hereinafter “Title VII”), provides a definition for sex which is consistent with part of the proposed regulation. Specifically, Title VII states that “[t]he terms ‘because of sex’ or ‘on the basis of sex’ include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes.” 42 U.S.C.S. § 2000e(k). Additionally, federal courts interpreting the term sex as used in Title VII and other comparable federal statutes have interpreted
the term sex in a manner consistent with the proposed regulation. In Bostock v. Clayton County, 140 S. Ct. 1731 (2020), the United States Supreme Court explained that discriminating against an individual for being homosexual or transgender is discrimination based on one's sex, as proscribed by Title VII. In Grimm v. Gloucester County School Board, 972 F.3d 586 (4th Cir. 2020), the Court applied the Bostock rationale when interpreting the term sex as used in Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a). The Court found that the term sex included protection based on one's gender identity. In addition, Pennsylvania state courts that have had the opportunity to interpret the PHRA held that the term sex includes pregnancy. See Anderson v. Upper Bucks County Area Vocational Technical School, 373 A.2d 126, 130 (Pa. Commw. Ct. 1976). Thus, with regard to sex discrimination, the proposed regulation is consistent with the protections provided by comparable federal statutes.

With regard to race discrimination, the proposed regulation provides a comprehensive definition for the term race, including ancestry, national origin, ethnic characteristics, interracial marriage or association, traits historically associated with race, persons of Hispanic national origin or ancestry, and persons of any other national origin or ancestry as specified in a PHRC complaint. While comparable federal statutes and regulations do not provide a comprehensive definition for the term race, federal courts interpreting the term race as used in Title VII and other comparable federal statutes have interpreted the term race in a manner consistent with part of the proposed regulation. In St. Francis College v. Al-Khazrajii, 481 U.S. 604 (1987), the United States Supreme Court explained that the term race, with respect to claims of discrimination brought under 42 U.S.C. § 1981, includes protections based on one's ancestry or ethnic characteristics. St. Francis College, 481 U.S. at 613. In Parr v. Woodmen of the World Life Insurance Co., 791 F.2d 888, 892 (11th Cir. 1986), the Court explained that the term race includes discrimination based upon interracial marriage or association. Additionally, federal regulations for Title VII specify that the term race includes persons of Hispanic national origin or ancestry, including persons of Mexican, Puerto Rican, Central or South American, or other Spanish origin or culture. 29 CFR 1607.4(B). Thus, with regard to race discrimination, the proposed regulation is consistent with the protections provided by comparable federal statutes.

Additionally, the proposed regulation explains that the term race includes traits historically associated with race. The Commission recognizes that this definition of race has not been adopted by the few federal courts that have had the opportunity to consider this issue. See e.g., EEOC v. Catastrophe Management Solutions, 852 F.3d 1018, 1032-1033 (11th Cir. 2016) (holding that Title VII’s protections against race discrimination do not extend to hairstyles culturally associated with race). However, the Commission has considered this issue and determined that the term race, as used in the PHRA and the PFEOA, should be interpreted as including hairstyles culturally associated with race. Given the Commission’s understanding of the term race and the Commission’s power and duty to promulgate regulations to effectuate the provisions of the PHRA and the PFEOA, the Commission defines race as including traits historically associated with race, including hair texture and protective hairstyles. This definition is consistent with other state anti-discrimination laws, including laws in New Jersey, New York, Connecticut, and California.

With regard to religious creed discrimination, the proposed regulation provides a comprehensive definition for the term religious creed which is consistent with the definition of religion in Title VII. Specifically, the proposed regulation explains that religious creed includes all aspects of religious observance and practice, as well as belief. This definition is consistent with the definition in Title VII which explains that “[t]he term ‘religion’ includes all aspects of religious observance and practice, as well as belief ....”. 42 U.S.C.S. 2000e(j). Thus, with regard to religious creed discrimination, the proposed regulation is consistent with the protections provided by comparable federal statutes.
The proposed regulation for race discrimination is consistent with the definition of race as articulated in anti-discrimination laws in other states, including New Jersey, New York, Connecticut, and California. Thus, the proposed regulation provides the citizens of the Commonwealth of Pennsylvania with protections similar to the protections provided by anti-discrimination laws in other states.

The proposed regulation will not affect any other regulations of the promulgating agency or other state agencies.

The PHRC consulted with stakeholders in the LGBTQ community regarding the proposed regulation for sex discrimination. The PHRC incorporated the feedback received into the language of the proposed regulation. The PHRC also consulted with the Governor's Office regarding the proposed regulation for sex discrimination and incorporated the feedback received into the proposed regulation.

The PHRC also consulted with the New York City Commission on Human Rights regarding the proposed regulation for race discrimination. The PHRC received information from the New York City Commission regarding their definition of race and incorporated that information into the proposed regulation.

The PHRC also held three listening sessions in Philadelphia, Harrisburg, and Pittsburgh. These sessions were held in August and September 2022. Many organizations were invited to attend and provide feedback to the Commission regarding the proposed regulation. The list of organizations who were invited to attend is included with the Commission's Comment and Response document.

This regulation will affect employers, housing accommodation and commercial property entities, public accommodations, and educational institutions.
PHRC is unable to quantify the number of employers in Pennsylvania covered by the PHRA, which requires employment of four or more individuals. However, the number of employers covered by the PHRA will not be changed by the application of this regulation.

Housing providers such as landlords, property management companies, realtors, and community associations, are covered by the PHRA. PHRC is also unable to quantify the number of entities affected. Nevertheless, the number of entities affected will not be changed by the application of this regulation.

Entities that solicit the patronage of the general public, but are not by their nature distinctly private, are covered public accommodations pursuant to the definition of the PHRA. PHRC is also unable to quantify the number of public accommodations affected. Nevertheless, the number of entities affected will not be changed by the application of this regulation.

All persons already covered by the PHRA and PFEOA will be affected by the proposed regulations. However, the effect will be minimal, if not positive. The proposed regulation defines terms used in interpreting the PHRA and the PFEOA and clarifies some of the protections afforded by the law with respect to discrimination because of sex, religious creed, and race. Entities covered by the PHRA and the PFEOA and the individuals protected by these laws will have a greater understanding of how they must comply and the protections these laws afford. Regulated entities may require additional training, however, such training is already necessary to ensure compliance with the PHRA and parallel federal protections. In fact, clarifying that PHRA provisions should be interpreted similarly to parallel federal statutes would simplify training and enhance understanding of the requisite laws.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

This regulation will affect employers, housing accommodation and commercial property entities, public accommodations, and educational institutions. It is not possible for the PHRC to predict the number of entities affected. However, this regulation does not increase the quantity of entities covered by the PHRA.

(17) Identify the financial, economic, and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The PHRC anticipates no adverse financial, economic, or social impact on individuals, small businesses and labor communities or other public and private organizations. Regulated entities may require additional training, however, such training is already necessary to ensure compliance with the PHRA and parallel federal protections.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

PHRC is tasked with dealing comprehensively with the fundamental problem of eliminating discrimination. Any de minimis cost associated with implementing these regulations are clearly outweighed by its benefits.
(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed regulations are expected to be cost neutral for the regulated community. No new legal, accounting, or consulting procedures are required by the proposed regulations.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There is no fiscal impact to the local governments.

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There is no fiscal impact to the state government.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

No legal, accounting, or consulting procedures or additional reporting, recordkeeping, or other paperwork is required to implement the proposed regulations.

(22a) Are forms required for implementation of the regulation?

No forms are required for the implementation of the proposed regulations.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a failure to deliver the regulation.

Not applicable.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

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<tr>
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(23a) Provide the past three-year expenditure history for programs affected by the regulation.

There are no programs affected by the regulation.

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<th>FY -1</th>
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(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses covered by the regulation.
(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
(c) A statement of probable effect on impacted small businesses.
(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

(a) Small businesses which employ four (4) or more individuals or independent contractors are covered by the PHRA and the proposed regulation. Small businesses which are open to, accept, or solicit the patronage of the general public and are public accommodations as defined by the PHRA are also covered by the proposed regulation. Small businesses which are housing providers as defined by the PHRA are also covered by the proposed regulation. The PHRC does not have access to the necessary data to estimate the number of employers, public accommodations, or housing providers that are small businesses. There are more than 2.4 million companies authorized to do business in Pennsylvania. The PHRA also
covers housing providers and small businesses that are not required to be registered with the Pennsylvania Department of State.

(b) There are no projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

(c) The proposed regulation does not have an adverse impact on small businesses.

(d) There are no less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The proposed regulation defines sex, religious creed, and race. This regulation is proposed to clarify which individuals belong to these protected classes. Prior to the proposed regulation, those terms were not explained in the PHRA, the PFEOA, or the PHRC's existing regulations.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No other regulatory provisions were considered. The PHRA, the PFEOA, and the PHRC's existing regulations do not define sex, religious creed, or race. The purpose of the proposed regulation is to provide consistency and uniformity.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

a) The establishment of less stringent compliance or reporting requirements for small businesses;
b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
c) The consolidation or simplification of compliance or reporting requirements for small businesses;
d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

As discussed in item 24, supra, PHRC anticipates no adverse impact on small businesses. The proposed regulation provides definitions for terms used in the PHRA and the PFEOA. The definitions provide greater clarity and understanding for discriminatory practices proscribed by the PHRA and the PFEOA but do not create any new burdens on small businesses. Therefore, no regulatory flexibility analysis was conducted.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable
data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

**Not applicable because data was not the basis for the proposed regulation.**

(29) Include a schedule for review of the regulation including:

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<tr>
<td>A. The length of the public comment period:</td>
<td><strong>30 days</strong></td>
</tr>
<tr>
<td>B. The date or dates on which any public meetings or hearings will be held:</td>
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<tr>
<td>C. The expected date of delivery of the final-form regulation:</td>
<td><strong>4th quarter 2022</strong></td>
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<tr>
<td>D. The expected effective date of the final-form regulation:</td>
<td><strong>Within 60 days of publication of the final-form regulation in the Pennsylvania Bulletin</strong></td>
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<tr>
<td>E. The expected date by which compliance with the final-form regulation will be required:</td>
<td><strong>Within 60 days of publication of the final-form regulation in the Pennsylvania Bulletin</strong></td>
</tr>
<tr>
<td>F. The expected date by which required permits, licenses or other approvals must be obtained:</td>
<td><strong>Not applicable</strong></td>
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(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The proposed regulation will be reviewed periodically as appropriate to ensure continued effectiveness. Such review will occur when the PHRC prepares an annual report each year, as required by Section 7(k) of the PHRA, 43 P.S. § 957(k). Section 7(k) requires the PHRC to “describe[e] in detail the types of complaints received, the investigations, status of cases, Commission action which has been taken, how many were found to have probable cause, how many were resolved by public hearing and the length of time from initial complaint to final Commission resolution.” Section 7(k) also requires the PHRC to provide “recommendations for such further legislation, concerning abuses and discrimination because of race, color, familial status, religious creed, ancestry, national origin, age, sex, handicap or disability or the use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals.”
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<td><strong>BY:</strong> (DEPUTY ATTORNEY GENERAL)</td>
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<td><strong>Pennsylvania Human Relations Commission</strong></td>
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<tr>
<td><strong>(AGENCY)</strong></td>
</tr>
<tr>
<td>DOCUMENT/FISCAL NOTE NO. 52-13</td>
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<tr>
<td>DATE OF ADOPTION: 10/6/2022</td>
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<tr>
<td><strong>BY:</strong></td>
</tr>
<tr>
<td><strong>TITLE:</strong> Chairperson, M. Joel Bialek</td>
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<tr>
<td>(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</td>
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<tr>
<td><strong>BY:</strong> (s/ Samuel Rivera)</td>
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<td>Chief Counsel</td>
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| 10/6/2022 |
| DATE OF APPROVAL |
| (Chief Counsel, Independent Agency) |
| (Strike inapplicable title) |
| Check if applicable. No Attorney General approval or objection within 30 days after submission. |

Purpose of the Regulation

The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The PHRA specifically grants authority to the Commission to adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of the PHRA and to formulate policies to effectuate the purposes of the PHRA. 43 P.S. §957(d), (e). The Pennsylvania Supreme Court, in PHRC v. Uniontown Area Sch. Dist., 313 A.2d 156 (Pa. 1973), explained that Sections 957(d) and (e) of the PHRA indicate the Legislature’s intent to grant PHRC the authority issue legislative rules that define terms and interpret the provisions of the

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16 Pa. Code, Chapter 41, Subchapter D, §§ 41.201 – 41.207
Protected Classes
Page 1
PHRA. The Supreme Court noted that the power of an agency to promulgate legislative rules is so great that such rules can only be reversed by courts when "[w]hat has been ordered . . . appear[s] to be 'so entirely at odds with fundamental principles . . . as to be the expression of a whim rather than an exercise of judgment.'" Id. at 169 quoting American Telephone & Telegraph Co. v. United States, 299 U.S. 232, 236-37 (1936). The final-form regulation creates a new subchapter, Subchapter D, to define the terms “sex,” “race,” and “religious creed,” as used in the PHRA and the PFEOA. The PHRA, the PFEOA, and the Commission’s existing regulations provide no definition and no guidance for these terms.

The new Subchapter D contains seven (7) sections. Section 41.201 enumerates the purpose of the Regulation. The Regulation ensures that all unlawful discriminatory practices and all unfair educational practices proscribed by the PHRA and the PFEOA are interpreted and applied consistently. Section 41.202 provides that the Regulation is to be liberally construed to accomplish the purposes of the PHRA and the PFEOA. Section 41.203 provides that the Regulation will be enforced in accordance with the PHRA, the PFEOA, and the existing regulations of the Commission. The Regulation ensures that all unlawful discriminatory practices and all unfair educational practices proscribed by the PHRA and the PFEOA are interpreted and applied consistently. It is essential that all investigations of discrimination conducted by the Commission are investigated consistently with this Rulemaking. Section 41.204 provides definitions for terms used in Subchapter D. Section 41.205 provides the manner in which the term religious creed, as used in the PHRA and the PFEOA, should be interpreted. Section 41.206 provides the manner in which the term sex, as used in the PHRA and the PFEOA, should be interpreted. Section 41.207
provides the manner in which the term race, as used in the PHRA and the PFEOA, should be interpreted.

**Religious Creed Discrimination**

The final Rulemaking provides clarity to ensure that the term religious creed, as used throughout the PHRA and the PFEOA – including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations, and educational institutions – is interpreted consistently. The PHRA prohibits discrimination on the basis of religious creed in employment, housing, commercial property, public accommodations, and educational institutions. The PFEOA prohibits discrimination on the basis of religious creed in certain educational institutions.

In interpreting the PHRA, Pennsylvania courts have recognized that claims of religious creed discrimination may be brought under the PHRA as claims of disparate treatment, failure to accommodate a religious creed, and harassment. Brown Transport Corp. v. PHRC, 578 A.2d 555 (Pa. Commw. Ct. 1990) (overruled on other grounds in Hoy v. Angelone, 554 Pa. 134, 720 A.2d 745 (Pa. 1998); see also Winn v. Trans World Airlines, Inc., 484 A.2d 392, 400 n.9 (Pa. 1984). However, there is minimal case law in Pennsylvania which explains the manner in which the term religious creed, as used in the PHRA and the PFEOA, should be interpreted. Similar to the PHRA's protections regarding religious creed discrimination in employment, Title VII of the Civil Rights Act of 1964, 42 U.S.C.S. §§ 2000e – 2000e17 (hereinafter “Title VII”), declares that it is “an unlawful employment practice for an employer to . . . otherwise discriminate against any individual . . . because of such individual’s . . . religion.” 42 U.S.C.S. 2000e-2(a)(1). In Knepp v. Colonial Metals Co., 2005 Pa. Dist. & Cnty. Dec. LEXIS 3, *15-17 (Court of Common Pleas of
Lancaster County, PA July 6, 2005), the Court relied upon federal court decisions interpreting Title VII to determine whether the plaintiff’s asserted religious beliefs were sufficient to allege a claim of religious creed discrimination under the PHRA. Likewise, Pennsylvania courts have explained that although they are not bound by federal court decisions interpreting federal statutes similar to the PHRA, in interpreting the PHRA where no applicable state law exists, “it is appropriate to look to federal decisions involving similar federal statutes for guidance.” McGlawn v. PHRC, 891 A.2d 757, 768 (Pa. Commw. Ct. 2006) quoting City of Pittsburgh Commission on Human Relations v. DeFelice, 782 A.2d 586, 592, n.8 (Pa. Commw. Ct. 2001); see also General Electric Corp. v. PHRC, 469 Pa. 292, 303, 365 A.2d 649, 654-655 (Pa. 1976).

Thus, the Commission turned to Title VII for guidance regarding the definition of religious creed, as Pennsylvania courts often do when interpreting the PHRA and the PFEOA. Title VII explains that “[t]he term ‘religion’ includes all aspects of religious observance and practice, as well as belief . . . .” 42 U.S.C.S. §2000e(i). The regulations adopted by the Equal Employment Opportunity Commission (“EEOC”) explain that “religious practices include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.” 29 CFR §1605.1. The EEOC regulations further provide that “the fact that no religious group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not accept such belief will not determine whether the belief is a religious belief of the employee or prospective employee.” 29 CFR §1605.1. The EEOC regulations also provide that “the phrase ‘religious practice’ as used in these Guidelines includes both religious observances and practices.” 29 CFR §1605.1. Due to the lack of judicial interpretation of religious creed under the PHRA, the Commission promulgated provision Section 41.205. The Commission
recognizes the “de minimis” standard regarding religious creed accommodations without undue hardship to an employer. This standard is consistent with the standard under Title VII\(^1\).

The Commission also recognizes that persons who are covered by the provisions of the PHRA and the PFEOA may believe that enforcement of the PHRA or the PFEOA against them would violate their free exercise of religion. Thus, if a person covered by the provisions of the PHRA or the PFEOA believes that enforcement of the PHRA or the PFEOA against them would violate their free exercise of religion, those persons may avail themselves of the protections in Pennsylvania’s Religious Freedom Protection Act (“RFPA”), 71 P.S. §§ 2401-2407, by following the procedures outlined in the RFPA. The RFPA provides the mechanism for asserting such claims.

**Sex Discrimination**

The final Rulemaking provides clarity to ensure that the term sex, as used throughout the PHRA and the PFEOA – including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations, and educational institutions – is interpreted consistently. The PHRA prohibits discrimination on the basis of sex in employment, housing, commercial property, public accommodations, and educational institutions. The PFEOA prohibits discrimination on the basis of sex in certain educational institutions.

Similar to the PHRA’s protections regarding sex discrimination in employment, Title VII declares that it is “an unlawful employment practice for an employer to . . . otherwise discriminate against any individual . . . because of such individual’s . . . sex.” 42 U.S.C.S. § 2000e-2(a)(1). Additionally, similar to the protections regarding sex discrimination in educational institutions

\(^1\) 1605.2 Reasonable accommodation without undue hardship as required by Section 701(j) of title VII of the Civil Rights Act of 1964.
provided by the PHRA and the PFEOA, Title IX of the Civil Rights Act of 1972, 20 U.S.C.S. § 1681 (hereinafter “Title IX”), prohibits discrimination on the basis of sex in educational programs receiving federal financial assistance. Thus, while the PHRA and the PFEOA do not define the term sex, the Commission’s Rulemaking provides clarity regarding the definition of sex which is consistent with the manner in which the term sex, as used in Title VII and Title IX, has been interpreted by federal courts. The Commission’s Rulemaking is also consistent with the manner in which the term sex has been interpreted by state courts. The Commission previously issued guidance regarding the manner in which the term sex should be interpreted and the Commission is incorporating that guidance into the Rulemaking.

Title VII states that “[t]he terms ‘because of sex’ or ‘on the basis of sex’ include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes.” 42 U.S.C.S. § 2000e(k). The Regulation is also consistent with this Federal definition. The Regulation is also consistent with the manner in which the term sex has been interpreted by Pennsylvania courts. Pennsylvania courts have explained that “pregnancy based discrimination constitutes sex discrimination proscribed by Section 5(a) of the PHRA.” Anderson v. Upper Bucks County Area Vocational Technical School, 373 A.2d 126, 130 (Pa. Commw. Ct. 1976).

The Commission’s Rulemaking explains that the term sex includes sex assigned at birth, gender identity/expression, differences in sex development, and affectional/sexual orientation. This portion of the Rulemaking is consistent with the manner in which the term sex, as used in Title VII and Title IX, has been interpreted by federal courts, including the United States Supreme
Court. Courts are now broadly defining the term sex under Title IX, with respect to claims of sex discrimination in educational programs. Courts are also broadly defining the term sex under the PHRA, with respect to claims of sex discrimination in employment. Courts are also broadly defining the term sex with respect to claims of employment discrimination brought under the Equal Protection Clause. This Regulation ensures that the term sex, as used in the PHRA and the PFEOA, is interpreted consistently with the manner in which the term sex has been interpreted by state and federal courts. The Commission’s Rulemaking also ensures that the term sex, as used throughout the PHRA and the PFEOA – including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations, and educational institutions – is interpreted consistently.

**Race Discrimination**

The final Rulemaking provides clarity to ensure that the term race, as used throughout the PHRA and the PFEOA – including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations, and educational institutions – is interpreted consistently. The PHRA prohibits discrimination on the basis of race in employment, housing, commercial property, public accommodations, and educational institutions. The PFEOA prohibits discrimination on the basis of race in certain educational institutions. Similar to the PHRA’s protections regarding race discrimination in employment, Title VI declares that it is “an unlawful employment practice for an employer to . . . otherwise discriminate against any individual . . . because of such individual’s race.” 42 U.S.C.S. § 2000e-2(a)(1).

Although Pennsylvania courts have addressed claims of race discrimination under the PHRA, they have not yet had an opportunity to address the manner in which the term race, as used
in the PHRA and the PFEOA, should be interpreted. Thus, the Commission turned to Title VII for guidance regarding the definition of race, as Pennsylvania courts often do when interpreting the PHRA and the PFEOA. The Commission’s Rulemaking explains that the term race includes ancestry, national origin, and ethnic characteristics. The Rulemaking also explains that the term race includes interracial marriage or association. This explanation for race discrimination is consistent with the manner in which the term race has been interpreted by federal courts interpreting similar federal statutes. Additionally, the Rulemaking specifies that race includes persons of Hispanic national origin or ancestry, including persons of Mexican, Puerto Rican, Central or South American, or other Spanish origin or culture. This explanation is consistent with federal regulations relating to the term race. See 29 CFR 1607.4(B) (explaining Hispanic includes persons of Mexican, Puerto Rican, Central or South American, or other Spanish origin or culture). Thus, the Commission’s Rulemaking provides clarity that the term race, as used in the PHRA and the PFEOA, should be interpreted consistent with the interpretation of the term race by federal courts interpreting similar federal statutes. The Commission’s Rulemaking also ensures that the term race, as used throughout the PHRA and the PFEOA – including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations, and educational institutions – is interpreted consistently.

The PHRA and the PFEOA, passed by the Legislature, explicitly authorize the Commission to “adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of the” PHRA and the PFEOA. 43 P.S. § 957(d) and (e); 24 P.S. § 5006(6). The PHRA and the PFEOA also require the Commission to “establish rules of practice to govern, expedite

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and effectuate the foregoing procedure and its own actions thereunder.” 43 P.S. § 959(g); 24 P.S. § 5007. The PHRA and the PFEOA specifically prohibit discrimination on the basis of religious creed, sex, and race. However, neither statute provides a definition for those terms nor do the Commission’s existing regulations provide a definition for those terms. The Commission promulgates this Rulemaking consistent with its authority at 43 P.S. § 957(d) and 24 P.S. § 5006(6) to explain the manner in which the terms sex, race, and religious creed, as used in the PHRA and the PFEOA, should be interpreted.

The Commission’s Rulemaking provides clarity and consistency regarding how the terms religious creed, sex, and race, as used throughout the PHRA and the PFEOA – including in the provisions prohibiting discrimination in employment, housing, commercial property, public accommodations, and educational institutions – should be interpreted. The Commission recognizes that the PHRA has different provisions prohibiting discrimination in employment, housing accommodations and commercial property, and public accommodations, including educational institutions. The Commission also recognizes that the PFEOA has its own provisions prohibiting discrimination in certain educational institutions. However, every provision regarding discrimination in employment, housing accommodations and commercial property, and public accommodations, including educational institutions, prohibit discrimination because of religious creed, sex, and race. The terms “religious creed,” “sex,” and “race” should not have different interpretations between the acts, or among differing sections of each act. Given that the Commission enforces two statutes which prohibit discrimination in employment, housing accommodations and commercial property, and public accommodations, including educational institutions, because of religious creed, sex, and race, the Commission’s Regulation provides the
guidance necessary to ensure that the terms religious creed, sex, and race are interpreted consistently throughout the PHRA and the PFEOA.

**Fiscal Impact**

There is no fiscal impact.

**Effective Date**

This Rulemaking will be effective sixty (60) days after publication of the final-form regulation in the *Pennsylvania Bulletin*. 
Comment and Response Document

For Proposed Regulation #52-13, IRRC # 3339 –
16 Pa. Code §§ 41.201 – 41.207 –
Protected Classes


October 2022

Pennsylvania Human Relations Commission
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Introduction


This Comment and Response document summarizes the 77 comments submitted to the Commission by individuals and organizations during the public comment period and expresses the Commission’s responses to those comments. A list of commenters is provided in the Contents.

The Proposed Regulation does not indicate any prejudgment on the part of the Commission regarding any of the myriad of scenarios that could result in complaints filed under the PHRA or PFEOA. Regulation #52-13 clarifies terms in that the Commission is open to all arguments from all respective parties of the issues being adjudicated. Any complaints filed as a result of this Regulation being issued will be handled on a case-by-case basis, the same as any other complaint filed with the Commission.

Abbreviations and Acronyms

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A. IRRC COMMENTS

Comment 1: Statutory Authority; and Legislative Intent.

IRRC commented "it is clear that there are divergent views regarding this proposal. Most significant are whether the PHRC has the authority to define the aforementioned terms in such a way that arguably creates new substantive rights not provided for in the PHRA and PFEOA, and whether such definitions conform to the intent of the General Assembly. We will review the PHRC's response to each of the commentators in our determination of whether the regulation is in the public interest."

Response:

PHRC's response to the commentators is below. As PHRC explains below, Sections 957(d) and (e) of the PHRA allow PHRC to promulgate regulations to effectuate the provisions of the PHRA. PHRC proposed these regulations to effectuate the provisions of the PHRA – race, religious creed, and sex. The Pennsylvania Supreme Court, in PHRC v. Uniontown Area Sch. Dist., 313 A.2d 156 (Pa. 1973), explained that Sections 957(d) and (e) of the PHRA provide PHRC with the authority to define terms interpreting the provisions of the PHRA. The Supreme Court noted that the power of an agency to promulgate legislative rules is so great that such rules can only be reversed by courts when "[w]hat has been ordered . . . appear[s] to be 'so entirely at odds with fundamental principles . . . as to be the expression of a whim rather than an exercise of judgment.'" Id. at 169 quoting American Telephone & Telegraph Co. v. United States, 299 U.S. 232, 236-37 (1936). The Court further explained the intent of the Legislature was clear – the intent was for PHRC to have such authority. Uniontown, 313 A.2d at 170. The Court further explained that because Section 7(k) of the PHRA provides the Legislature with a mechanism to pass upon the policies of the Commission, and the Legislature failed to do so, PHRC had the authority to act. Uniontown, 313 A.2d at 170. Similar to the situation in Uniontown, PHRC provided the Legislature with information about their policies and the ability to pass upon their policies in their 2018, 2019, and 2020 annual reports. Despite the ability of the Legislature to pass upon the policies of the Commission, the Legislature has not done so. Given the lack of action on the part of the Legislature, the Commission's power and duty to promulgate regulations and formulate policies remains in effect.

Comment 2: Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review.

IRRC commented "we ask the PHRC to explain why it is appropriate to adopt these provisions through the rulemaking process instead of the legislative process."

Response:

The Legislature did not retain sole authority to promulgate policies relevant to the PHRA. Rather, the Legislature delegated to PHRC the authority to enforce the PHRA, to develop policies, and to promulgate regulations interpreting the provisions of the PHRA. The proposed and final-form regulations are consistent with the statutory authority granted to PHRC. While the Legislature retains the authority to pass upon the policies of PHRC,
and the Legislature was made aware of PHRC's policies in PHRC's 2018, 2019, and 2020 annual reports, the Legislature has not done so. Thus, if the Legislature intended to limit or curtail PHRC's authority with respect to these policies and the proposed regulation, they could have done so. Absent any action by the Legislature, PHRC retains the authority to promulgate regulations, as articulated in Sections 957(d) and (e) of the PHRA.

Comment 3: Possible conflict with or duplication of statutes or existing regulations; Clarity and lack of ambiguity.

IRRC noted that the Pennsylvania Chamber of Business and Industry commented that "employers frequently report that they are often frustrated attempting to simultaneously administer federal and state laws that share similar purposes but deviate in details which complicates compliance efforts." IRRC also noted that the proposed regulation appears to broaden the definition of 'religious creed' to mirror the definition in Title VII of the Civil Rights Act of 1964 and that the change in definition will subject smaller employers to additional obligations without knowing what those may be. IRRC noted that they "will review the PHRC's response to this commentator's concern in our determination of whether the regulation is in the public interest."

Response:

PHRC's intent was for the same standard to be used under the PHRA and Title VII with respect to religious creed discrimination. PHRC recognizes that the proposed regulation did not include a standard for religious accommodations and Pennsylvania case law has yet to establish such a standard. With these considerations, PHRC modified the final-form regulation with respect to religious creed discrimination so that the final-form regulation clearly articulates that the de minimis standard used in cases filed under Title VII should also be applied to cases filed under the PHRA. The final-form regulation now provides a uniform standard for requests for religious creed accommodations under the PHRA. With a uniform standard in the final-form regulation, all employers and persons required to comply with the PHRA are provided with the information necessary to understand their obligations under the PHRA. For employment cases, this standard is the same as under Title VII which will alleviate any burden on employers in Pennsylvania to have to meet two different standards under Title VII and the PHRA. Rather, employers in Pennsylvania are now made aware that they should comply with the same standard for requests for religious creed accommodations as they are currently required to comply with under Title VII. For smaller employers who were not previously required to comply with Title VII because of the number of employees they employ, such employers have always been required to comply with the PHRA regarding requests for religious creed accommodations. The final-form regulation now provides these smaller employers with clarity regarding the standard they must meet for requests for religious creed accommodations under the PHRA. Thus, because the PHRA is silent regarding the standards for religious creed accommodations under the PHRA, the final-form regulation provides clarity to smaller employers and all persons covered by the PHRA regarding the standards for religious creed accommodations.

Comment 4: Communication with the regulated community. - Reasonableness; Compliance with provisions of the Regulatory Review Act.
IRRC recommended “that the PHRC meet with the regulated community, from all sectors of employment, prior to submitting a final-form regulation to discuss their concerns and build consensus where possible.”

Response:

PHRC sought input from the regulated community and all persons covered by the PHRA with three public comment sessions in August and September 2022. The first session was held in Pittsburgh, PA on August 24, 2022. The second session was held in Harrisburg, PA on August 30, 2022. The third session was held in Philadelphia, PA on September 8, 2022. PHRC invited the chamber of commerce for each county in Pennsylvania. PHRC also invited a wide variety of organizations who may have an interest in the proposed regulations. A list of the organizations who were invited is attached at Appendix 1. PHRC also advertised the listening sessions on its website so that all persons who visited the PHRC website were made aware of their ability to provide feedback to PHRC on the proposed regulations. PHRC received some additional feedback during these sessions.

Comment 5: Implementation procedures and timetables for compliance by the public and private sectors.

IRRC noted that “the Pennsylvania Chamber of Business and Industry suggests that the final version of this rulemaking’s effective date be extended to at least 60 days from the date of publication as a final-form regulation.”

Response:

PHRC responded to the Pennsylvania Chamber of Business and Industry at Section C.3 below. PHRC also implemented the suggestion for a 60-day effective date. The final-form regulation is now effective 60 days from the date of publication as a final-form regulation.

Comment 6: Compliance with the RRA and the regulations of IRRC.

IRRC asks PHRC to provide additional information for RAF questions 15 and 16. IRRC also asks PHRC to provide additional information for RAF questions 17, 18, 24, and 27, if appropriate.

Response:

PHRC provided additional information to RAF questions 15, 16, 17, 18, and 24. PHRC reviewed its response to RAF question 27 and determined that no additional information was required.

Comment 7: Section 41.202(b). Construction. – Implementation procedures; Clarity and lack of ambiguity; Need.
IRRC noted that this section states "that the new definitions 'shall be interpreted consistently with other Federal and State laws and regulations except when to do so would result in a narrow interpretation of the PHRA or the PFEOA.'" IRRC also explained that there are differences between federal and state laws as to how some of these issues are analyzed. IRRC questioned how members of the regulated community would know which standard and interpretation to apply and asked "PHRC to explain how members of the regulated community can consistently interpret these provisions in such a way that would ensure that they are in compliance with the law. We also ask the PHRC to explain the need for this section altogether."

Response:

PHRC thanks IRRC for this comment. PHRC reviewed this section and determined that the language at 41.202(b) should be removed so that there is no inconsistency with the manner in which the PHRA is interpreted. The final-form regulation reflects this change.

Comment 8: Non-regulatory language. – Clarity; and Implementation procedures.

IRRC noted that the phrases they emphasized "do not set binding norms and lack clarity." IRRC highlighted the following sections:

Section 41.205(b) "sincerely held with the strength of traditional religious views;"
Section 41.206(a)(5)(i) "stereotypically associated with the person's sex assigned at birth;"
Section 41.206(a)(5)(ii) "gender identity is sincerely held as part of a person's core identity;"
Section 41.207(a)(3) "traits historically associated with race;" and
Sections 41.205(c), 41.206(c), and 41.207(c) "this section is not intended to be exhaustive."

IRRC also noted that "consistent implementation of these provisions by the PHRA and compliance by the regulated community could be difficult. We ask the PHRA to review the final-form regulation to ensure the use of regulatory language, setting clear compliance standards for the regulated community to meet."

Response:

For the phrase "sincerely held with the strength of traditional religious views," PHRC relies upon 29 CFR 1605.1 which defines religious practices "to include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views." This standard was developed by the United States Supreme Court in United States v. Seeger, 380 U.S. 163 (1965) and Welsh v. United States, 398 U.S. 333 (1970). Pennsylvania courts look to Federal case law on similar anti-discrimination statutes when interpreting the PHRA. Thus, PHRC looked to the Federal regulations and Federal case law in developing the definition for religious beliefs.
For the phrase “stereotypically associated with the person’s sex assigned at birth,” the United States Supreme Court has long-held that sex discrimination under Title VII prohibits discrimination based upon sex stereotypes. See Price Waterhouse v. Hopkins, 490 U.S. 228 (1989); Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998). PHRC relies upon the explanations of sex stereotypes, as articulated by the United States Supreme Court, for the definition of gender identity or expression as it relates to sex stereotypes.

For the phrase “sincerely held as part of a person’s core identity,” PHRC changed the definition of gender identity or expression in the final-form regulation and defined core identity. Given the changes in the final-form regulation, the definition for gender identity or expression is clear and sets a binding standard for compliance.

For the phrase “traits historically associated with race,” PHRC removed the term historically and defined ethnic characteristics. Given the changes in the final-form regulation, the definition for race is clear and sets a binding standard for compliance.

For the phrase “this section is not intended to be exhaustive,” PHRC removed this section in the final-form regulation.

Comment 9: Section 41.204. Definitions. – Clarity.

IRRC noted that “the terms ‘core identity,’ ‘intersex,’ ‘interracial marriage or association’, ‘national origin or ethnic characteristics,’ and ‘sex assigned at birth’ appear in the body of [the] regulation, but are not defined in this section. We ask PHRC to define these terms in the final-form regulation or explain why it is unnecessary to do so.”

Response:

PHRC reviewed the final-form regulation and provided a definition for the terms core identity, intersex, ethnic characteristics, and sex assigned at birth. PHRC determined that the terms national origin and interracial marriage or association do not need to be defined in the final-form regulation, for the reasons that follow.

PHRC did not provide a definition for national origin because national origin is an enumerated protected class under the PHRA and the PFEOA, just as race, sex, and religious creed are enumerated protected classes under the PHRA and the PFEOA. The proposed and final-form regulations focus on providing explanations for the enumerated protected classes of race, sex, and religious creed. The remaining protected classes under the PHRA and the PFEOA may be addressed in future regulations promulgated by PHRC.

PHRC did not provide a definition for the term interracial marriage or association because case law has explained that the necessary degree of association is not precise but is decided on a case-by-case basis. See Thompson v. North American Stainless, LP, 562 U.S. 170, 175 (2011) (holding that a close family member will almost always meet the standard and a mere acquaintance will almost never do so, but beyond that they are reluctant to generalize); Parr v. Woodmen of the World Life Insurance Company, 791 F.2d 888 (11th Cir. 1986) (holding that "where a plaintiff claims discrimination based upon an
interracial marriage or association, he alleges, by definition that he has been discriminated against because of his race").

Comment 10: Section 41.207. Race discrimination. – Clarity. Subsections (a) and (b).

IRRC recommended “that Sections 41.207(a)(4) and (5) and 41.207(b)(4) and (5) be made consistent with Sections 41.207(a)(1) and (b)(1) by including ethnicity or ethnic characteristics.”

Response:

PHRC thanks IRRC for their comment. The final-form regulation has been reformatted and updated. Sections 41.207(a)(4) and (5), Sections 41.207(b)(4) and (5), and Sections 41.207(a)(1) and (b)(1) were reformatted and consolidated into Sections 41.207(a) and (d). Sections 41.207(a) and (d) are now consistent with each other as they both contain the term ethnic characteristics.
B. Legislative Comments

Comment 1: Senator Christine Tartaglione & Senator Amanda Cappelletti
Senator Nikil Saval & Senator Lisa Boscola
Senator Sharif Street & Senator Carolyn Comitta
Senator Art Haywood & Senator Marty Flynn
Senator Vincent Hughes & Senator Timothy Kearney
Senator Anthony Williams & Senator Lindsey Williams
Senator John Kane & Senator Wayne Fontana
Senator Steven Santarsiero & Senator Jay Costa
Senator Judy Schwank & Senator Katie Muth
Senator Maria Collett & Senator James Brewster

The Senators expressed their strong support for the proposed regulation. The Senators explained that Section 7(d) of the PHRA provides the PHRC with the power and duty “to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of the PHRA.” The Senators also explain that the Legislature understood, when it passed the PHRA, that PHRC would actively develop policy that addresses evolving issues and that PHRC has the power to clarify terms it needs to use daily to administer the statutes. The Senators further explain that “clarifying definitions left open by the legislature are core functions of executive agencies.” They further explain that “by following the formal rulemaking process through the Independent Regulatory Review Commission (IRRC), PHRC is establishing a standard, substantive rule that will govern policy and reduce the need to continually revisit the issue with each individual case.”

Response:

PHRC thanks the Senators for their strong support for the proposed regulation.

PHRC agrees that Section 7(d) of the PHRA provides the PHRC with the power and duty to promulgate the proposed regulation. Pennsylvania Courts have long held that the PHRA provides PHRC with such power and duty. Specifically, in Uniontown Area School District v. PHRC, 455 Pa. 52, 313 A.2d 156, 168-170 (Pa. 1973), the Pennsylvania Supreme Court concluded the PHRA empowered the PHRC with legislative rulemaking authority. The Supreme Court noted that the power of an agency to promulgate legislative rules is so great that such rules can only be reversed by courts when “[w]hat has been ordered . . . appear[s] to be ‘so entirely at odds with fundamental principles . . . as to be the expression of a whim rather than an exercise of judgment.’” Id. at 169 quoting American Telephone & Telegraph Co. v. United States, 299 U.S. 232, 236-37 (1936). The Court recognized that the provisions of the PHRA “evidence to us a legislative intent to empower the Commission to do a good deal more than merely interpret the Act.” Id. at 170. The Commission can “adopt, promulgate and rescind rules and regulations to effectuate the policies and provisions of [the] act” and can “formulate policies to effectuate the purposes of [the] act.” Id. at 168 quoting 43 P.S. § 957(d) and (e). The Court further recognized that “one of the declared purposes of the Human Relations Act is ‘to assure equal opportunities to all individuals and to safeguard their rights at places of public accommodation.’” Id. at 170 quoting 43 P.S. § 952(b). The Court also recognized that the “wisdom or unwisdom of the Commission’s definition is no business of [their], the Legislature having by section 7(k), supra, placed upon the Commission the duty to make
an annual report of its activities and thus having enabled itself to pass upon the policies of the Commission." Uniontown, 313 A.2d at 170. The Court also acknowledged that the Commission provided such information to the Legislature in their annual report. Uniontown, 313 A.2d at 170. Likewise, the Commission has provided the Legislature with information regarding the proposed regulations in their annual reports, including in their 2018, 2019, and 2020 annual reports. Thus, just as in Uniontown, the Commission has provided the Legislature with the ability to pass upon the policies of the Commission by providing the Legislature with information regarding the proposed regulations in their annual reports. Despite the ability of the Legislature to pass upon the policies of the Commission, the Legislature has not done so. Given the lack of action on the part of the Legislature, the Commission's power and duty to promulgate regulations and formulate policies remains in effect.

Comment 2: Senator Scott F. Martin Senator Gene Yaw
Majority Leader Kim Ward Senator Patrick Stefano
Senator Ryan Aument Senator Michele Brooks
Senator Scott Hutchinson Senator Chris Gebhard
Senator Judy Ward Senator Joe Pittman
Senator Kristin Phillips-Hill

The Senators state that the proposed regulation "operates in contrast to the intent of the legislature, lacks prescribed statutory authority, and ultimately garners our disapproval."

With regard to legislative intent, the Senators explain that this is the second time PHRC altered the meaning of the statute by agency action rather than through legislative process, first with guidance in 2018 and now with the proposed regulation. The Senators also assert that PHRC is attempting to utilize Bostock v. Clayton County, 140 S. Ct. 1731 (2020), to bypass the General Assembly even though Bostock only applies to employers under Title VII and does not extend beyond Title VII. The Senators also assert that while employers and employees are bound by Title VII, neither the PHRC nor the General Assembly are subject to the interpretation of the term sex discrimination under the holding in Bostock. The Senators also assert that changes to these definitions fall under the jurisdiction of the legislature. In support of this assertion, the Senators state that the Legislature introduced legislation on these issues (but did not vote on them) and Governor Wolf has made statements in support of such legislation. The Senators also assert that any changes to statutory definitions, in this case sex discrimination, is a policy choice with deep legal ramifications and belongs under the jurisdiction of the Legislature and the Legislature alone. The Senators also explain that although the General Assembly has not yet made these policy decisions, that should not be interpreted as an abdication of responsibility or a signal to a bureaucratic agency to pick up the task. Finally, the Senators assert that PHRC is attempting to circumvent the constitutional power and responsibility of the General Assembly.

With regard to statutory authority, the Senators assert that PHRC improperly cites to Sections 7(d) and 9(g) of the PHRA and Sections 6(6) and 7 of the PFEOA as providing PHRC with the authority to promulgate the proposed regulation. The Senators state that (1) neither of these sections allow an unelected and unaccountable agency to bypass the legislative process and expand the law through regulation and (2) the courts have historically agreed with such a proposition. The Senators explain that in Hommrich v.
Commonwealth of PA, PUC, 231 A.3d 1027 (Pa. Commw. Ct. 2020). Commonwealth Court explained that although the General Assembly sometimes confers broad discretionary power to administrative agencies, such power cannot be inconsistent with the provisions of existing statutes nor is such power granted carte blanche. The Senators further assert that the proposed regulation would establish substantive changes otherwise reserved to the jurisdiction of the General Assembly. The Senators further assert that the decision of the Pennsylvania Supreme Court, in PHRC v. St. Joe Minerals Corporation, Zinc Smelting Division, 382 A.2d 731 (Pa. 1978), stands for the proposition that without the Legislature's specific inclusion of language granting the authority to the PHRC, PHRC lacks the authority to act. The Senators further assert that the proposed regulation “is simply too broad and comprehensive to be considered another regulation not subject to the strict and scrupulous legislative process that changes of this magnitude are historically tested against.” The Senators conclude by explaining that they agree with Representative Seth Grove's comment that “the PHRC may not only be acting without statutory authority or sufficient legislative intent, but also promulgating regulations that would disrupt the proper separation of powers between the branches of Pennsylvania's government.”

Response:

While PHRC understands the concerns raised by the Senators, and thanks the Senators for submitting their comments, PHRC finds that the express language in the PHRA and the PFEOA provides PHRC with the authority to promulgate the proposed regulation. In reaching this determination, PHRC relies upon Uniontown Area School District v. PHRC, 455 Pa. 52 (Pa. 1973) and Slippery Rock Area Sch. Dist. v. Unemployment Comp. Bd. of Review, 983 A.2d 1231 (Pa. 2009).

In Uniontown, the Pennsylvania Supreme Court recognized that the PHRA empowers the Commission to do a good deal more than merely interpret the Act.” Uniontown Area School District, 455 Pa. at 78. Rather, the language in the PHRA signifies the Legislature's intent to empower the Commission to adopt legislative rules and regulations and formulate policies to effectuate the provisions of the PHRA. Id. The Supreme Court noted that the power of an agency enabled by the legislature to promulgate legislative rules is so great that such rules can only be reversed by courts when “[w]hat has been ordered . . . appear[s] to be 'so entirely at odds with fundamental principles . . . as to be the expression of a whim rather than an exercise of judgment.’” Id. at 169 quoting American Telephone & Telegraph Co. v. United States, 299 U.S. 232, 236-37 (1936). Given this authority, the Court found that: the Commission's law-making power permitted the Commission to adopt a definition for de facto segregation and racial imbalance even though (1) there was no language in the PHRA supportive of the definition; (2) the Court could not say that the General Assembly intended such a definition when enacting the PHRA; and (3) the Legislature failed to provide standards in the PHRA for defining de facto segregation. Id. at 62, 75-76, 78. Even with these deficits, the Court explained that “the Legislature in section 7 of the Human Relations Act . . . did empower the Commission to supply such a definition” and, as such, the Commission's definition was “within the legislative powers conferred by section 7 of the Act.” Id. at 75-76, 79.

Thus, contrary to the Senators' assertion that the PHRC is altering the meaning of the statute by agency action, rather than through the legislative process, the PHRC is instead using its statutory authority to explain terms used in the PHRA and the PFEOA. These explanations are provided so that the regulated public is aware of the manner in which they must comply with the PHRA and the PFEOA. These explanations are similar
to the manner in which PHRC promulgated the definition of *de facto* segregation, which definition was upheld by the Pennsylvania Supreme Court as being within the authority granted to the PHRC. *Uniontown*, 455 Pa. 52. The power to explain the terms of the PHRA is well within the scope of the legislative rulemaking authority granted to PHRC by the Legislature and is an expression of sound judgment within PHRC's area of regulatory expertise.

Additionally, PHRC is not relying upon *Bostock v. Clayton County* for any authority to promulgate the proposed regulations. The authority PHRC relies upon for promulgating the proposed regulation is derived directly from the mandate of the PHRA and the PFEOA, granted to PHRC by the Pennsylvania General Assembly. PHRC merely relies upon *Bostock* to illustrate that state law (PHRA and PFEOA) should be interpreted consistently with Federal law (Title VII). Furthermore, the Senators acknowledge that they have been made aware of the Commission's interpretation of the term sex as far back as 2018 when PHRC issued its first guidance regarding sex discrimination. Thus, consistent with *Uniontown*, PHRC provided the Legislature with the ability to pass upon the policies of the Commission by providing the Legislature with information regarding their interpretation of the PHRA and the PFEOA. Despite the ability of the Legislature to pass upon the policies of the Commission, the Legislature has not done so. Given the lack of action on the part of the Legislature, the Commission's power and duty to promulgate regulations and formulate policies remains in effect.

With regard to the Senators' assertion that changes to these definitions fall under the jurisdiction of the legislature, the PHRC finds that such a proposition is inapposite for the proposed regulation. First, PHRC has not changed any definitions. Rather, the PHRA and the PFEOA fail to provide definitions for the terms sex, race, and religious creed. The proposed regulation provides guidance regarding those terms where the PHRA and the PFEOA are silent. Thus, contrary to the Senators' assertion that the power granted to an administrative agency "cannot be inconsistent with the provisions of existing statutes," there is no inconsistency with respect to the PHRA and the proposed regulations. Where the PHRA fails to provide definitions for terms in the statute, the proposed regulations provide the clarity needed for such terms and are authorized by a specific grant of authority in the PHRA.

Second, while Pennsylvania Courts have found that some regulatory definitions exceed the authority granted to administrative agencies, see e.g. *Hommrich*, such finding was made when the administrative agencies were not provided with the broad powers of legislative rulemaking. Unlike the situation in *Hommrich*, where the agency at issue was delegated with a very narrow mandate, the Pennsylvania Supreme Court has already recognized that the Legislature granted PHRC with broad powers to promulgate regulations and formulate policies that interpret the provisions of the PHRA and the PFEOA. *Uniontown*, 455 Pa. 52. Thus, the Legislature did not retain policy-making powers solely for themselves under the PHRA and the PFEOA. Rather, the Legislature also provided the PHRC with policy-making powers under the express provisions of the PHRA and the PFEOA. Although the Senators assert that "PHRC is attempting to circumvent the constitutional power and responsibility of the General Assembly," the Senators have not and cannot provide support for this assertion because the Legislature expressly provided the PHRC with the authority to promulgate the proposed regulations. Where the Legislature provides an express grant of authority to an administrative agency, while retaining their authority to legislate on the same issues, an agency cannot be said to have "circumvented the constitutional power and responsibility of the General
Assembly" when such agency acts upon the express authority granted to them. PHRC recognizes that, although the Legislature delegated policy-making authority to PHRC, the Legislature also retains the power to promulgate legislation. While the Legislature has thus far failed to act with respect to legislation on these issues, the Legislature still retains the power to do so in the future. Thus, PHRC has not circumvented the constitutional power and responsibility of the General Assembly because PHRC is acting within the authority delegated to them and the General Assembly retains the power and responsibility to promulgate legislation as they deem it necessary to do so.

Finally, the Senators rely upon St. Joe Minerals Corporation for the proposition that if the PHRA lacks specific language granting PHRC the authority to promulgate the proposed regulation, PHRC does not have the authority to do so. However, St. Joe Minerals Corporation is inapposite to the PHRC's authority to promulgate the proposed regulation. In St. Joe Minerals Corporation, PHRC's conduct — enforcing interrogatories — was not specifically included in the PHRA. The Court explained that because interrogatories are not enumerated as a power and duty, the PHRC was not permitted to enforce them. For the proposed regulation, PHRC's conduct — promulgating the proposed regulation — is specifically provided for in the PHRA. The PHRA provides PHRC with the power and duty to promulgate regulations to effectuate the provisions of the PHRA. 43 P.S. § 957(d) and (e). The PHRA and the PFEOA do not have definitions or explanations for the protected classes of race, sex, and religious creed. Given the lack of statutory definitions for these terms and the need to provide clarity to the regulated community regarding the meaning of these terms, PHRC acted upon their power and duty to promulgate regulations to effectuate the provisions of the PHRA — the terms race, sex, and religious creed. Thus, while interrogatories were not specifically included in the PHRA as a power and duty of the PHRC, and thus could not be enforced by PHRC, the PHRA specifically included the power and duty to promulgate regulations to effectuate the provisions of the PHRA. As such, the holding in St. Joe Minerals Corporation does not support the proposition that PHRC does not have the authority to promulgate the proposed regulations.

**Comment 3: Representative Seth Grove**

Representative Grove asserts that PHRC does not have the statutory authority to promulgate these regulations and the changes do not reflect the intent of the General Assembly.

With respect to statutory authority, Representative Grove argues that the authority to effectuate policies and provisions and to establish rules of practice do not allow an agency to expand the law through regulation. Representative Grove cites to several statements made by the Court in Homrich. Notably, Representative Grove cites to Homrich for the principle that sometimes the General Assembly confers broad power to administrative agencies to "define by regulation terms otherwise undefined by the statute." Representative Grove also recognized that, in Uniontown, the Supreme Court of Pennsylvania held that Sections 957(d) and (e) of the PHRA allowed the PHRC to promulgate a regulation that defined de facto segregation even though such term is undefined in the PHRA. Relying upon St. Joe Minerals Corporation, Representative Grove agrees with the Pennsylvania Catholic Conference that PHRC exceeds their statutory authority with the proposed regulation.
Representative Grove acknowledges that regulations can address confusion or gaps in clarity. However, he asserts that the proposed regulation is so broad and contains such sweeping changes that it is difficult to gauge whether these regulations meet that purpose or simply seek to circumvent and exceed the law. Representative Grove also asserts that there is no clear direction in either the PHRA or the PFEOA that these terms should be defined in this manner. Given this lack of legislative guidance, Representative Grove asserts that PHRC does not have the statutory authority to promulgate this regulation.

With respect to Legislative Intent, Representative Grove asserts that PHRC is bypassing the General Assembly through promulgation of this regulation. He also asserts that PHRC cites to Bostock as superseding any legislative intent and that neither PHRC nor the General Assembly are subject to any particular interpretation of the term sex. Representative Grove further asserts that the policy choice of whether Pennsylvania should extend the definition of sex discrimination in such a manner remains just that: a policy choice which is squarely and exclusively the prerogative of the General Assembly to pursue. Representative Grove further asserts that the expanded definitions of race and religious creed discrimination are likewise policy decisions to be properly made by the General Assembly and are not related to the Bostock decision or any other new, binding court precedent. Representative Grove also cites to SEPTA v. City of Philadelphia, referenced by the Pennsylvania Catholic Conference, as standing for the proposition that only the General Assembly has the power to provide legal protections to persons who suffer discrimination on the basis of their gender identity or sexual orientation.

Representative Grove additionally asserts that without the General Assembly's action on these issues, PHRC is attempting to circumvent the constitutional power and responsibility of the General Assembly. He also asserts that PHRC may be acting without statutory authority or sufficient legislative intent by promulgating regulations that would disrupt the proper separation of powers between the branches of Pennsylvania's government.

Response:

While PHRC understands the concerns raised by Representative Grove, and thanks him for submitting his comments, PHRC finds that the express language in the PHRA and the PFEOA provides PHRC with the authority to promulgate the proposed regulation. In reaching this determination, PHRC relies upon Uniontown Area School District v. PHRC, 455 Pa. 52 (Pa. 1973) and Slippery Rock Area Sch. Dist. v. Unemployment Comp. Bd. of Review, 983 A.2d 1231 (Pa. 2009).

While Representative Grove asserts that Hommrich stands for the proposition that an agency may not expand the law through regulation, this assertion is not applicable to the present regulations. PHRC has not expanded the PHRA or the PFEOA through the proposed regulation. Rather, PHRC has provided definitions for statutory terms – race, sex, and religious creed. The Court in Hommrich specifically stated that sometimes the General Assembly confers broad power to administrative agencies to "define by regulation terms otherwise undefined by the statute." The Pennsylvania Supreme Court, in Uniontown, recognized that the General Assembly conferred such broad power to PHRC, with Sections 957(d) and (e) of the PHRA, to define terms which were otherwise undefined in the PHRA and the PFEOA. Furthermore, while PHRC maintains that the proposed regulation does not create new substantive rights, even if the definitions of race, sex, and religious creed are deemed to create new substantive rights not provided for in the PHRA and the PFEOA, the Pennsylvania Supreme Court has held that "the creation of new rights..."

Regarding Representative Grove’s assertion that there is no clear direction in either the PHRA or the PFEOA that these terms should be defined in this manner and, given this lack of legislative guidance, PHRC does not have the statutory authority to promulgate this regulation, Representative Grove’s assertion is not supported by applicable Pennsylvania case law. Specifically, in Uniontown the Pennsylvania Supreme Court recognized that the PHRA “empowers the Commission to do a good deal more than merely interpret the Act.” Uniontown Area School District, 455 Pa. at 78. The PHRA empowers the Commission to adopt regulations and formulate policies to effectuate the provisions of the PHRA. Id. Given this authority, the Court found that the Commission’s law-making power permitted the Commission to adopt a definition for de facto segregation and racial imbalance even though (1) there was no language in the PHRA supportive of the definition; (2) the Court could not say that the General Assembly intended such a definition when enacting the PHRA; and (3) the Legislature failed to provide standards in the PHRA for defining de facto segregation. Id. at 62, 75-76, 78. Even with these deficits, the Court explained that “the Legislature in section 7 of the Human Relations Act . . . did empower the Commission to supply such a definition” and, as such, the Commission’s definition was “within the legislative powers conferred by section 7 of the Act.” Id. at 75-76, 79. Just as PHRC had statutory authority to define de facto segregation, as explained by the Pennsylvania Supreme Court in Uniontown, PHRC has statutory authority to promulgate the proposed regulation.

Regarding Representative Grove’s assertion that PHRC cites to Bostock as superseding any legislative intent, PHRC has not cited to Bostock for any such purpose. Rather, PHRC merely relies upon Bostock to illustrate that state law (PHRA and PFEOA) should be interpreted consistently with Federal law (Title VII).

Regarding Representative Grove’s assertion that the expanded definitions of race, sex, and religious creed are policy decisions properly made by the General Assembly, PHRC’s analysis of this issue is articulated at Section A.2 – Response to IRRC and Section B.2 – Response to Senator Martin.

Regarding Representative Grove’s assertion as to the applicability of SEPTA v. City of Philadelphia to the proposed regulation, PHRC’s analysis of the applicability of SEPTA v. City of Philadelphia is articulated at Section C.2 – Response to Pennsylvania Catholic Conference.

Regarding Representative Grove’s assertion that PHRC is attempting to circumvent the constitutional power and responsibility of the General Assembly, PHRC’s analysis of this issue is articulated at Section B.2 – Response to Senator Martin.

Comment 4: Representative Paul Schemel

Representative Schemel reiterates the comments made by Representative Seth Grove.

Response:
The Commission thanks Representative Schemel for his comments. The Commission’s substantive response to Representative Schemel’s comments is located at Section 8.3 – Response to Representative Seth Grove.

Comment 5: Representative Brian Smith

Representative Smith reiterates the comments made by Representative Seth Grove.

Response:

The Commission thanks Representative Smith for his comments. The Commission’s substantive response to Representative Smith’s comments is located at Section B.3 – Response to Representative Seth Grove.

Comment 6: Representative Barbara Gleim

Representative Gleim reiterates the comments made by Representative Seth Grove.

Response:

The Commission thanks Representative Gleim for her comments. The Commission’s substantive response to Representative Gleim’s comments is located at Section B.3 – Response to Representative Seth Grove.

Comment 7: Representative Curt Sonney

Representative Sonney expresses his agreement with the analysis provided by Representative Seth Grove in that is it difficult to gauge whether this regulation clarifies the law or seeks to circumvent and exceed the law as enacted. He further explains that “there is no dispute that the Commission has the authority to address confusion and gaps in clarity in the PHRA and the PFEOA; however, the definitions proposed by the Commission are overly broad interpretations.” In support of this assertion, Representative Sonney explains that the definitions explicitly state that they are not exhaustive. Representative Sonney also asserts that the Commission has no statutory authority to predict the General Assembly’s intent or meaning of these terms and the proposed regulation does not conform to the legislative intent of the General Assembly. Representative Sonney further asserts that the Commission cited to Bostock as basically superseding the legislative intent of the General Assembly even though Bostock’s holding was limited to employment discrimination claims under Title VII.

Response:

The Commission thanks Representative Sonney for his comments. Regarding Representative Sonney’s agreement with Representative Grove’s comments, the Commission’s substantive response to Representative Grove’s comments is located at
Section B.3 — Response to Representative Seth Grove. Regarding Representative Sonney’s assertion that the definitions are overly broad interpretations because they state that they are not exhaustive, PHRC removed that language from the final-form regulation.

Regarding Representative Sonney’s assertion that the Commission has no statutory authority to predict the General Assembly’s intent or meaning of these terms, PHRC finds that the PHRA specifically provides PHRC with the authority to promulgate the proposed and final-form regulations. Specifically, Sections 957(d) and (e) of the PHRA provide PHRC with the power and duty to promulgate regulations to effectuate the provisions of the PHRA and to formulate policies to effectuate the purposes of the PHRA. In interpreting these sections, the Pennsylvania Supreme Court recognized that the PHRA “empowers the Commission to do a good deal more than merely interpret the Act.” Uniontown Area School District, 455 Pa. at 78. Rather, the PHRA empowers the Commission to adopt regulations and formulate policies to effectuate the provisions of the PHRA. Id. Given this authority, the Court found that the Commission’s law-making power permitted the Commission to adopt a definition for de facto segregation and racial imbalance even though (1) there was no language in the PHRA supportive of the definition; (2) the Court could not say that the General Assembly intended such a definition when enacting the PHRA; and (3) the Legislature failed to provide standards in the PHRA for defining de facto segregation. Id. at 62, 75-76, 78. Even with these deficits, the Court explained that “the Legislature in section 7 of the Human Relations Act... did empower the Commission to supply such a definition” and, as such, the Commission’s definition was “within the legislative powers conferred by section 7 of the Act.” Id. at 75-76, 79. Similar to the issue in Uniontown, PHRC has the statutory authority to promulgate the proposed and final-form regulations even if the General Assembly’s intent or meaning for these terms cannot be determined from the language of the PHRA. Rather, because the General Assembly granted PHRC with such broad statutory power to promulgate regulations, PHRC is permitted to adopt regulations interpreting and explaining provisions in the PHRA and the PFEOA where the General Assembly has failed to provide explanations.

Regarding Representative Sonney’s assertion that PHRC cited to Bostock as superseding the legislative intent of the General Assembly, PHRC does not rely upon Bostock for any authority to promulgate the proposed regulations. The authority PHRC relies upon for promulgating the proposed regulation is derived directly from the mandate of the PHRA and the PFEOA. PHRC merely relies upon Bostock to illustrate that state law (PHRA and PFEOA) should be interpreted consistently with Federal law (Title VII).

Comment 8: Representative Dan Frankel

Representative Frankel expressed his support for the proposed regulation and his strong endorsement for codifying the definition of sex. Representative Frankel expressed that the protections secured by this regulation have broad support from the public, the business community, and from elected leaders. Representative Frankel also explained that the proposed regulation merely codifies the existing implementation of the PHRA as explained in PHRC’s 2018 guidance on sex discrimination. Representative Frankel also explained that, since its implementation in 2018, these protections have not appeared to cause any crisis for small businesses or religious organizations. Representative Frankel also recognized that the proposed regulation retains religious protections as does Pennsylvania’s Religious Freedom Protection Act, which provides the opportunity for
Representative Frankel asserts that Pennsylvania individuals deserve full discriminatory protections based on sex that have been provided for by the United States Supreme Court and by existing practice in Pennsylvania. Representative Frankel is grateful for PHRC promulgating these regulations to codify this definition of sex.

Response:

The PHRC thanks Representative Frankel for his support for the proposed regulation and his strong endorsement of codifying the definition of sex.
C. Public Comments from Organizations

Comment 1: Independence Law Center

The Independence Law Center asserts that PHRC lacks the statutory authority to promulgate these regulations. They also assert that redefining sex leads to significant harms as businesses may be required to engage in conduct which conflicts with their right to free speech and their right to free exercise of religion. The Independence Law Center also asserts that including gender identity in the definition of sex would negatively impact privacy facilities, such as bathrooms, locker rooms, and showers, and that entities should be permitted to deny such use on the basis of sex since a sex-based distinction in these settings has long been permissible. The Independence Law Center also asserts that the proposed regulation prohibits religious employers from hiring those who share their mission through a commitment to the elements of their particular religious faith.

Response:

While PHRC understands the concerns raised by the Independence Law Center, and thanks the Independence Law Center for submitting their comments, PHRC finds that the express language in the PHRA and the PFEOA provides PHRC with the authority to promulgate the proposed regulation. In reaching this determination, PHRC relies upon Uniontown Area School District v. PHRC, 455 Pa. 52 (Pa. 1973) and Slippery Rock Area Sch. Dist. v. Unemployment Comp. Bd. of Review, 983 A.2d 1231 (Pa. 2009). PHRC describes this statutory authority in greater detail at Section B.2 – Response to Senator Martin.

With respect to the Independence Law Center’s assertion that the proposed regulation conflicts with businesses right to free speech or their right to free exercise of religion, PHRC acknowledges that a regulation cannot supersede a constitutional protection. However, the proposed regulation does not impact any constitutional protections. The proposed regulation merely provides explanations for terms contained in the PHRA and the PFEOA which are not defined. Additionally, to the extent an entity covered under the PHRA or the PFEOA believes that PHRC’s enforcement of the PHRA or the PFEOA violates their religious freedoms, such entity may avail themselves of the protections contained in Pennsylvania’s Religious Freedom Protection Act.

With respect to the Independence Law Center’s assertion that including gender identity in the definition of sex would negatively impact privacy facilities, such an assertion is premature. PHRC cannot prejudge any issue that may come before the agency. If a complainant files a complaint regarding this issue, or if a respondent asserts a defense regarding this issue, PHRC will analyze such issue on a case-by-case basis to determine whether the conduct alleged in the complaint violates the PHRA or the PFEOA.

With respect to the Independence Law Center’s assertion that the proposed regulation prohibits religious employers from hiring those who share their commitment to the elements of their religious faith, such assertion is misplaced. The PHRA specifically provides that religious associations may hire individuals who share their religious beliefs. See 43 P.S. § 954(b). The proposed regulation does not alter that provision of the PHRA in any manner. Additionally, religious entities who believe that PHRC’s enforcement of
the PHRA or the PFEOA violates their religious freedom may avail themselves of the protections contained in Pennsylvania's Religious Freedom Protection Act.

Comment 2: Pennsylvania Catholic Conference

The Pennsylvania Catholic Conference asserts that PHRC lacks statutory authority to propose these regulations and explains that Section 957(k) of the PHRA only authorizes PHRC to make recommendations to the Legislature regarding legislation concerning discrimination. They further assert that the PHRA does not permit the PHRC to create new classes of or bases of discrimination.

The Pennsylvania Catholic Conference, citing to PHRC v. Mars Community Boys Baseball Association, 410 A.2d 1246 (Pa. 1980), further asserts that the Pennsylvania Supreme Court “has already definitively held that the Pennsylvania Human Relations Commission does not have the authority or jurisdiction to redress discrimination on grounds which have not been specifically established by the General Assembly.” The Pennsylvania Catholic Conference, citing to PHRC v. St. Joe Minerals Corporation, Zinc Smelting Division, 382 A.2d 731 (Pa. 1978), also asserts that the Pennsylvania Supreme Court “has ruled that the Commission has no such power to act outside the legislatively established boundaries.” Relying upon St. Joe Minerals Corporation, the Pennsylvania Catholic Conference asserts that PHRC is acting “outside the legislative intent of the PHRA” and cannot “enact the proposed regulations without: specific authorization from the General Assembly.”

The Pennsylvania Catholic Conference also asserts that PHRC’s reliance on Bostock is misplaced because Bostock only addressed employment issues and PHRC is attempting to use employment case law to apply to housing and public accommodations. The Pennsylvania Catholic Conference relies upon a single concurring opinion in SEPTA v. City of Philadelphia, 159 A.3d 443, for the proposition that “the General Assembly did not intend that sexual orientation and gender identity [would] be protected classes in the PHRA.” The Pennsylvania Catholic Conference also asserts that the proposed regulation on sex discrimination (1) conflicts with the existing protections for bona fide occupational qualifications; (2) will have an adverse impact on small businesses and religious entities; and (3) does not protect religious freedoms. The Pennsylvania Catholic Conference concludes by objecting to the proposed regulations and asserting that the General Assembly should act to avoid a constitutional controversy by amending the PHRA itself and ensuring that any amendment includes strong religious protections.

Response:

While the PHRC understands the concerns raised by the Pennsylvania Catholic Conference, and thanks the Pennsylvania Catholic Conference for submitting their comments, the PHRC finds that the express language in the PHRA and the PFEOA provides the PHRC with the authority to promulgate the proposed regulation. In reaching this determination, PHRC relies upon Uniontown Area School District v. PHRC, 455 Pa. 52 (Pa. 1973) and Slippery Rock Area Sch. Dist. v. Unemployment Comp. Bd. of Review, 983 A.2d 1231 (Pa. 2009).

With respect to the argument that PHRC lacks statutory authority to propose these regulations, the citation to Section 957(k) is misplaced. PHRC is relying upon the authority
provided to them at Sections 957(d) and (e) of the PHRA in promulgating the proposed and final-form regulations. As explained at Sections B.1 – Response and B.2 – Response above, Sections 957(d) and (e) of the PHRA clearly provide PHRC with the power and duty to promulgate these regulations.

With respect to the application of Mars Community Boys Baseball Association and St. Joe Minerals Corporation to the proposed regulations, the issue in Mars Community Boys Baseball Association was whether PHRC has the authority to address sex discrimination when sex was not included as a protected class under the public accommodations provisions of the PHRA but was included under the employment and housing provisions of the PHRA. Unlike the issue in Mars Community Boys Baseball Association, the proposed regulation does not address protected classes that are not included in the PHRA. Rather, the proposed regulation explains three protected classes that are specifically included in the PHRA – race, sex, and religious creed. As such, the proposed regulation redresses discrimination on grounds which have been specifically established by the General Assembly in that the proposed regulation provides clarity and consistency as to the manner in which complaints may be filed with PHRC on the grounds and bases already provided for in the PHRA. Furthermore, as explained above at Section B.2 – Response, St. Joe Minerals Corporation is inapposite to the PHRC’s authority to promulgate the proposed regulation. In St. Joe Minerals Corporation, PHRC’s conduct – enforcing interrogatories – was not specifically included in the PHRA. The Court explained that because interrogatories are not enumerated as a power and duty, PHRC was not permitted to enforce them. For the proposed regulation, PHRC’s conduct – promulgating the proposed regulation – is specifically provided for in the PHRA. The PHRA provides the PHRC with the power and duty to promulgate regulations to effectuate the provisions of the PHRA. 43 P.S. § 957(d) and (e). The PHRA and the PFEOA do not have definitions or explanations for the protected classes of race, sex, and religious creed. Given the lack of statutory definitions for these terms and the need to provide clarity to the regulated community regarding the meaning of these terms, PHRC acted upon their power and duty to promulgate regulations to effectuate the provisions of the PHRA – the terms race, sex, and religious creed. Thus, while interrogatories were not specifically included in the PHRA as a power and duty of PHRC, and thus could not be enforced by PHRC, the PHRA specifically included the power and duty to promulgate regulations to effectuate the provisions of the PHRA. As such, the holding in St. Joe Minerals Corporation does not support the proposition that PHRC does not have the authority to promulgate the proposed regulations.

With respect to the application of Bostock to the proposed regulations, PHRC is not relying upon Bostock for any authority regarding the proposed regulation. Rather, as explained in Section B.2 – Response above, PHRC merely relies upon Bostock to illustrate that state law (PHRA and PFEOA) should be interpreted consistently with Federal law (Title VII).

With respect to the single concurring opinion in SEPTA v. City of Philadelphia, 159 A.3d 443, which the Pennsylvania Catholic Conference relies upon for the proposition that “the General Assembly did not intend that sexual orientation and gender identity [would] be protected classes in the PHRA,” the Pennsylvania Supreme Court has not made that determination. Rather, the issue in SEPTA v. City of Philadelphia was whether SEPTA was exempted from the jurisdiction of the City of Philadelphia via the Philadelphia Commission on Human Relations and the provisions of the Philadelphia Fair Practices Ordinance. 159 A.3d at 444. The majority opinion in SEPTA v. City of Philadelphia made
no determination regarding the General Assembly's intent with respect to sexual orientation or gender identity under the PHRA because that was not the issue before the Court. Thus, one off-hand comment by one Justice in a concurring opinion in a case that decided the jurisdiction of the City of Philadelphia over SEPTA, does not establish the Pennsylvania Supreme Court's determination as to the intent of the General Assembly with respect to sex discrimination under the PHRA. Nevertheless, the United States Supreme Court's holding in Bostock makes it clear that sexual orientation and gender identity are not new protected classes, but instead are subsets of one protected class already enumerated within Title VII—that of sex. The Supreme Court's reasoning is sound and there is no logical reason why the same interpretation should not apply to the PHRA.

With respect to the Pennsylvania Catholic Conference's assertion that the proposed regulation conflicts with existing protections for bona fide occupational qualifications, such assertion is misplaced. The PHRA provides protections for bona fide occupational qualifications at 43 P.S. § 955(a). The proposed and final-form regulations do not alter the bona fide occupational qualifications standard in the PHRA. Furthermore, the PHRA also contains a specific provision regarding abortions at 43 P.S. § 955.2. The proposed and final-form regulations do not impact Section 955.2 in any manner.

With respect to the Pennsylvania Catholic Conference's assertion that the proposed regulation will have an adverse impact on small businesses and religious entities and does not sufficiently protect religious freedoms, PHRC is constrained to provide greater protections to small businesses and religious entities than are already provided for in the PHRA. The PHRA articulates the small businesses who are required to comply with the PHRA. The PHRA also articulates the protections afforded to religious entities under the PHRA. PHRC cannot change those provisions or provide greater protections than are already provided for in the PHRA. Additionally, the General Assembly has recognized the rights of religious entities and the mechanism by which religious entities can enforce those rights with Pennsylvania's Religious Freedom Protection Act (RFPA), 71 P.S. §§ 2401-2407. Again, PHRC cannot change the provisions of the RFPA nor can PHRC provide guidance regarding RFPA in the proposed or final-form regulations because the RFPA does not provide any state agencies with the authority to promulgate regulations with respect to the RFPA. Given the statutory language of the RFPA, PHRC recognizes that religious entities may avail themselves of the protections afforded by the RFPA and PHRC stands ready to respond to such claims, but PHRC is not authorized to provide any greater protections than those found in the PHRA or the RFPA.

With respect to the Pennsylvania Catholic Conference's assertion that the General Assembly should act to avoid a constitutional controversy by amending the PHRA itself and ensuring that any amendment includes strong religious protections, PHRC finds no constitutional controversy with the proposed regulations. As explained at Section B.2 — Response above, PHRC has not circumvented the constitutional power and responsibility of the General Assembly because (1) PHRC is acting within the authority delegated to them and (2) the General Assembly retains the power and responsibility to promulgate legislation as they deem it necessary to do so.

**Comment 3: Pennsylvania Chamber of Business and Industry**

The Pennsylvania Chamber of Business and Industry supports the intent of the proposed regulation. However, they caution that effective public policy can and should
The Pennsylvania Chamber of Business and Industry also expressed disappointment that employer input was not sought as these proposed regulations were being developed. They suggested that PHRC should also consider consulting with other stakeholders such as local fair employment practice agencies.

The Pennsylvania Chamber of Business and Industry heard from employers and PA Chamber members who generally agree with the intent of the proposed regulations. However, concerns were raised that the proposed regulation could create inconsistencies with federal law regarding religious creed accommodations. The Pennsylvania Chamber of Business urged PHRC to help ensure employer compliance by emphasizing clarity and congruence with comparable federal law and providing additional guidance where necessary and appropriate. The Pennsylvania Chamber of Business also asked PHRC to work with the business community on education and awareness and establishing an implementation timeframe. They also suggested that PHRC should work with the employer community to develop and execute an educational campaign to ensure employers are aware of the changes. They also suggested that the final-form regulations should have an effective date of 60 days to allow the PHRC to launch the awareness campaign and provide employers time to review existing policies.

Response:

PHRC thanks the Pennsylvania Chamber of Business and Industry for their comments and suggestions. PHRC's intent was for the same standard to be used under the PHRA and Title VII with respect to religious creed discrimination. PHRC recognizes that the proposed regulation did not include a standard for religious creed accommodations and Pennsylvania case law has yet to establish such a standard. With these considerations, PHRC modified the final-form regulation with respect to religious creed discrimination so that the final-form regulation clearly articulates that the de minimis standard used in cases filed under Title VII should also be applied to cases filed under the PHRA. The final-form regulation now provides a uniform standard for requests for religious creed accommodations under the PHRA.

PHRC also implemented the suggestion that PHRC meet with employers, local fair employment practices agencies, and others affected by the proposed regulations by holding three listening sessions, as explained above at Section A.4 – Response, above. PHRC also implemented the suggestion that the final-form regulation be effective 60 days after publication so that employers and others who are required to comply with the final-form regulation have sufficient time to train their staff. If any assistance is needed from PHRC for training on the final-form regulation, PHRC stands ready to provide such assistance.

Comment 4: Erie Gay News

Erie Gay News expressed support for this important and needed regulatory clarification. Erie Gay News explained that Pennsylvania desperately needs the terms to be defined as provided in the proposed regulation.
Response:

Thank you for your support for the proposed regulation.

Comment 5: Trans Advocacy Pennsylvania (TAP)

TAP expressed support for the proposed regulatory changes. TAP also noted that in Bostock v. Clayton County and several companion cases, the Supreme Court of the United States held that the term sex covers sexual orientation and gender identity. TAP also explained that the proposed regulation will help to ensure that no person in the Commonwealth of Pennsylvania will suffer or endure discrimination in housing, employment, medical care, education, or access to public accommodations. TAP congratulated the PHRC on this effort and stands ready to assist the PHRC in such manner as PHRC deems appropriate.

Response:

Thank you for your support for the proposed regulation.

Comment 6: Pennsylvania Commission on LGBTQ Affairs

The Aging Workgroup of the Pennsylvania Commission on LGBTQ Affairs state their strong support for the proposed regulations and thank PHRC for their action on this matter and their commitment to protecting LGBTQ elders from discrimination. They explain that defining sex to include sex assigned at birth, gender identity/expression, differences in sex development, and affectional/sexual orientation will add greater clarity to the Commonwealth's current non-discrimination laws and will strengthen the non-discrimination protections afforded to LGBTQ Pennsylvanians. They further explain that these updates will make Pennsylvania law consistent with Federal law, as articulated in the United States Supreme Court decision, Bostock v. Clayton County, in which the majority stated "it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex." The proposed changes are also consistent with public attitudes towards issues of LGBTQ non-discrimination protection and studies that found that a majority of Pennsylvanians and people nationally support these non-discrimination provisions for LGBT people. As advocates for LGBTQ older adults, they see the utmost importance of protecting older Pennsylvanians from all forms of discrimination. It is essential that the services they need, homecare, nursing homes, social services, medical care, long-term care are accessible to member of their LGBTQ older adult communities.

Response:

Thank you for your support for the proposed regulation. Your observations regarding the impact of the proposed regulation on the LGBTQ older adult community in Pennsylvania are important in understanding the need for the proposed regulation in Pennsylvania.

Comment 7: Rainbow Rose Center
The Rainbow Rose Center expressed their full support for the proposed regulatory changes to the PHRA and thanks and congratulates the PHRC Commissioners. The Rainbow Rose Center also states that they are ready to assist PHRC in any manner PHRC deems appropriate. The Rainbow Rose Center also explained that the proposed regulations are in line with the Supreme Court decision in Bostock – discrimination on the basis of sexual orientation or gender identity is necessarily also discrimination because of sex. The Rainbow Rose Center also explained that through the new regulations, the Commonwealth’s LGBTQIA+ community will be protected from discrimination in housing, employment, medical care, education, and access to public accommodations.

Response:

Thank you for your support for the proposed regulation.

Comment 8: Campaign for Our Shared Future (COSF)

COSF strongly supports protecting all LGBTQ+ persons from discrimination throughout the Commonwealth under the PHRA and the PFEOA. COSF also explains that adopting the proposed regulations would help protect 74,000+ youth who live in Pennsylvania from discrimination and unfair educational practices.

Response:

Thank you for your support for the proposed regulation.

Comment 9: Housing Equality Center of Pennsylvania

The Housing Equality Center of Pennsylvania expressed their support for the proposed regulation and explained that the proposed regulation will clarify the terms sex, religious creed, and race. They further explained that clear definitions for the protected classes of sex, race, and religious creed will serve the entities who are obligated to comply with the PHRA and the PFEOA and the individuals that they are intended to protect.

Response:

Thank you for your support for the proposed regulation.

Comment 10: Community Justice Project

Community Legal Services
Fair Housing Partnership of Greater Pittsburgh
Fair Housing Rights Center in Southeastern Pennsylvania
Housing Equality Center of Pennsylvania
Pennsylvania Coalition Against Domestic Violence
Philadelphia Legal Assistance
Pittsburgh Commission on Human Relations
Ashley Butler
Women Against Abuse
**Women's Law Project**

These organizations commended PHRC on their decision to establish clear definitions for the terms religious creed, sex, and race. They believe the definitions will promote clarity and consistency in PHRC enforcement actions and will ensure that these terms are construed in a manner that will further the Commission's objective of stamping out illegal discrimination across the Commonwealth.

These organizations also suggest that for the definition of sex, PHRC should include protections for individuals who face discrimination based on their status as survivors of domestic violence. They also explain that a disproportionate number of domestic violence survivors are female. They also explain that courts have stated that discrimination against domestic violence survivors can constitute sex discrimination because domestic violence victims tend to overwhelmingly be women.

**Response:**

PHRC thanks these organizations for their support for the proposed regulation and for their suggestion regarding the definition of sex discrimination. PHRC is aware that courts have recognized disparate impact and disparate treatment claims of sex discrimination for victims of domestic violence. However, PHRC is not aware of any Federal or state anti-discrimination statutes or regulations which define sex as including victims of domestic violence. Given this information, PHRC needs to conduct greater outreach with the regulated community and with those whose rights are protected by the PHRA to determine the efficacy of defining sex as including survivors of domestic violence.

**Comment 11: Anti-Defamation League**

The Anti-Defamation League expressed their support for the proposed regulation. They recognized that neither the PHRA nor the PFEOA define the terms sex, race, and religious creed and that the proposed regulation provides much-needed clarity and guidance to ensure that these protected classes are interpreted consistently in Pennsylvania. The Anti-Defamation League is pleased to see that the proposed regulation will ensure that religious creed is interpreted in a manner consistent with Title VII and its implementing regulations. The Anti-Defamation League also welcomed the protections for sex discrimination in the proposed regulation and commented that the proposed regulation defines sex consistently with the manner in which sex has been interpreted by Pennsylvania courts. They also recognized that the proposed regulation interprets sex consistently with the manner in which federal courts have interpreted the term sex as used in Title VII and Title IX. The Anti-Defamation League is also pleased that the proposed regulation defines race in a manner consistent with Title VII and 42 U.S.C. § 1981 and ensures protections for the diverse and insidious ways in which discrimination on the basis of race can manifest.

**Response:**

Thank you for your support for the proposed regulation.
Comment 12: Women's Law Project

The Women's Law Project expressed their support for the proposed regulation and agreed with the positive response and proposed recommendations articulated by the Community Justice Project. The Women's Law Project writes separately to provide an additional recommendation – that the final-form regulation contain a definition for “related medical conditions” to ensure that all pregnancy-related medical conditions, including those that occur before conception, are covered, such as the use of assisted reproductive technology (ART). The Women's Law Project explains that the rate of reliance on ART has steadily increased since its first successful use decades ago. They also explain that workers undergoing ART have faced employment discrimination despite being similarly situated to their pregnant and postpartum counterparts. The Women's Law Project also suggests that the existing definition of pregnancy, at 16 Pa. Code § 41.101, be removed as inconsistent.

Response:

PHRC thanks the Women’s Law Project for their support for the proposed regulation and for their suggestion regarding the definition of sex discrimination. PHRC incorporated the suggestion made by the Women's Law Project in the final-form regulation. The final-form regulation now includes a definition for pregnancy. This definition recognizes that pregnancy includes all aspects associated with pregnancy, such as the use of ART, childbirth, breastfeeding, and the postpartum period. This definition also recognizes that pregnancy includes medical conditions related to all aspects of pregnancy. As such, the final-form regulation provides clarity regarding sex discrimination with respect to pregnancy. While PHRC recognizes that the definition for pregnancy at 16 Pa. Code § 41.101 is limited to the state of being in gestation, that definition only applies to Chapter 41, Subchapter C – it does not apply to the proposed or final-form regulations contained in Chapter 41, Subchapter D. However, PHRC intends to update their existing regulations and will seek public comment on the best way to update protections for sex discrimination within the existing regulations.
D. Public Comments from Members of the Public

1. **Comment: William Torbeck**

   **Comment:** Commentor raises various concerns that the Regulation would cause unfairness in women's sports, create privacy concerns in bathrooms and locker rooms, lead to increased sexual assaults, and infringe on religious freedoms.

   **Response:** The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. This Regulation provides notice and standards regarding discriminatory practices. To the extent the Regulations affects school sports, the Commission ensures due process by considering facts specific to each case. One of the core functions of the Commission is to ensure due process and adjudicate claims of discrimination. Further, The Commission does not condone any criminal conduct. The commentor's conclusory statement that the Regulation will lead to an increase in criminal activity is without evidence and misplaced. Further, school districts would continue to develop their own respective bathroom and locker room policies. The Regulation was drafted to ensure that the religious protections found in the PHRA1, PFEOA2, Commission regulations3, and any related caselaw continue to be preserved. Also, the Regulation does not infringe upon the viable religious protections afforded by the Religious Freedom Protection Act4. Thank you for your comment.

2. **Comment: Barb Young**

   **Comment:** People in the LGBTQ world need protection. They are people and deserve to be treated as such.

   **Response:** Thank you for your comment.

3. **Comment: Adam Gallek**

   **Comment:** As a member of a protected class, I don't want the government telling private business how to run their private business.

   **Response:** The PHRA's purpose is to afford anti-discrimination protections for all Pennsylvanians. The Commission's purpose is to eradicate discrimination in business practices and the Regulation does not tell private businesses how to run their business. Thank you for your comment.

4. **Comment: Ann Novajovsky**

   **Comment:** The Regulation will put many ministries and Christian schools in jeopardy by forcing them to hire individuals who do not agree with their respective religious beliefs.

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1 43 P.S. §§ 954(b) and (l), 955(a), (h)(10), 955.1, and 955.2.
2 24 P.S. §§ 5002(c), 5003(1) and (2), 5004(a.1)(1)-(7) and (c), 5006(1)-(5).
3 16 Pa. Code §§ 45.13(a)(1)-(2) and (c), 45.174(a) and (b), 47.11(a) and (b), 47.41, 47.51, 47.71-74, 51.1-51.61.
Response: The Regulation was drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be preserved. Also, the Regulation does not infringe upon the viable religious protections afforded by the Religious Freedom Protection Act. Thank you for your comment.

5. **Comment: Both Shank**

Comment: I am in favor of regulations but would extend the employer requirement from four (4) employees to any employer.

Response: The Regulation remains consistent with the employer classifications found in the PHRA, PFEOA. Thank you for your comment.

6. **Comment: Bryan Ditlow**

Comment: Commentor doesn’t understand why a law can’t be used for all races and believes the Regulation creates division among citizens.

Response: This PHRA and the PFEOA do protect all races from discrimination. Eradicating discrimination does not lead to a division in races. Thank you for your comment.

7. **Commentor: Carl Helman**

Comment: Commentor believes the definitions in the proposed Regulation are vague, subjective, and does not see a public need for the Regulation.

Response: The Commission is tasked to eradicate discrimination. The tailored provisions of the Regulation reinforce the protections afforded by the PHRA and the PHRC’s ability to adjudicate claims related to race, sex, and religious creed. Thank you for your comment.

8. **Comment: Caroline Lewis**

Comment: Commentor supports the Regulation and believes that the Regulation should extend to small businesses throughout PA.

Response: The PHRA applies to businesses that employ four (4) or more employees and/or businesses that offer public accommodations. Thank you for your comment.

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5 43 P.S. §§ 954(b) and (l), 955(a), (b)(10), 955.1, and 955.2.
6 24 P.S. §§ 5002(c), 5003(1) and (2), 5004(a.1)(1)-(7) and (c), 5006(1)-(5).
7 16 Pa. Code §§ 45.13(a)(1)-(2) and (c), 45.174(a) and (b), 47.11(e) and (b), 47.41, 47.51, 47.71-74, 51.1-51.61.
9. **Comment: Dara Bourassa**

Comment: Commentor supports the Regulation as an advocate for older LGBTQ adults who require these protections.

Response: Thank you for your comment.

10. **Comment: Dave and Heather Helmuth**

Comment: Commentors believe the proposed Regulation would force schools to violate the privacy of their students in restrooms and locker rooms, force doctors to conduct unnecessary surgeries, and put ministries and Christian schools in jeopardy by forcing them to hire individuals who do not agree with respective religious beliefs.

Response: The Commission disagrees. The proposed Regulation provides notice and standards regarding discriminatory practices. School districts would continue to develop their own respective restroom and locker room policies. The Commission disagrees that the Regulation will force doctors or members of the medical profession to conduct unnecessary surgeries. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The Regulation was drafted to ensure that religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be preserved. Also, the Regulation does not infringe upon the viable religious protections afforded by the Religious Freedom Protection Act. Thank you for your comment.

11. **Comment: David McDougal**

Comment: Commentor is a gay, older, adult citizen and active member of the Western Pennsylvania Persad Center. Commentor supports the proposed Regulations.

Response: Thank you for your comment.

12. **Comment: Tom Beggs**

Comment: Commentor inquired as to whether the proposed Regulation would subject churches to certain hiring requirements or if there would be a religious exception for churches under the proposed Regulation.

Response: The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for

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9 43 P.S. §§ 954(b) and (l), 955(a), (h)(10), 955.1, and 955.2.
10 24 P.S. §§ 5002(c), 5003(1) and (2), 5004(a.1)(1)-(7) and (c), 5006(1)-(5).
11 16 Pa. Code §§ 45.13(a)(1)-(2) and (c), 45.174(a) and (b), 47.11(a) and (b), 47.41, 47.51, 47.71-74, 51.1-51.61.
religious protections in the Religious Freedom Protection Act. Thank you for your comment.

13. **Comment: Jimmy Wade**

**Comment:** Commentor believes that this matter is reserved for the Legislature and the language of the Regulation contains subjective and ideological beliefs after only consulting with LGBTQ groups.

**Response:** The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The Legislature vested in the Commission maximum flexibility to remedy and eradicate the evils of discrimination. PHRC v. Chester School District, 233 A. 2d 290, 294 (Pa. 1967); PHRA §12(a), 43 P.S. §962(a). The Legislative mandate that the provisions of the Act be "construed liberally" serves to reinforce this view. PHRC v. Alto-Reste Park Cemetery Association, 306 A.2d 881, 886 (Pa. 1974). When the legislature statutorily invests an agency with certain functions, duties and responsibilities, the agency has a legislatively conferred interest in such matters. Commonwealth v. Beam, 788 A.2d 357, 361 (Pa. 2002). The PHRA specifically grants the authority to the Commission: (d) To adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of this act, and (e) To formulate policies to effectuate the purposes of this act and make recommendations to agencies and officers of the Commonwealth or political subdivisions of government or board, department, commission or school district thereof to effectuate such policies. 43 P.S. §959 (d), (e). Further, each provision of the Regulation is particularly crafted by researching case law, statutes, ordinances, regulations, and guidance material. The PHRC conducted listening sessions across the Commonwealth and provided a public comment period to receive feedback from as many interested and affected parties as possible. Thank you for your comment.

14. **Comment: Denise R. Weiss**

**Comment:** Commentor is concerned that the Commission consulted with other states, the LGBTQ community, the Governor's Office, other human relations commissions, but did not reach out to the public at large.

**Response:** The Commission appreciates the comment. As this comment was received during the public comment period, this demonstrates the Commission has reached out to the public seeking feedback on the proposed Regulation. The PHRC took additional steps in holding listening sessions in Pittsburgh, Philadelphia, and Harrisburg and encouraged all Pennsylvanians to participate and provide any feedback or comments. The PHRC invited over three hundred (300) businesses, religious organizations, and schools to listen to any additional feedback or comments. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

15. **Comment: Ed Miller**
Comment: Commentor is an advocate for older LGBTQ adults and sees the utmost importance of protecting older Pennsylvanians from all forms of discrimination. No older adult should face the prospect of being harassed, marginalized, or mistreated. It is essential that services are fully accessible to members of our LGBTQ older adult communities without the threat of discrimination.

Response: Thank you for your comment.


Comment: Commentor suggests that the proposed Regulation broadens the term “sex” which is contrary to her religious beliefs.

Response: The Commission is tasked to deal comprehensively with issue of discrimination on the basis of “sex”. The Commission appreciates and respects the commentor’s religious beliefs. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Thank you for your comment.

17. Comment: Christopher Smith (Form Letter A 1782-1949; 1-948; 949-1454)

Comment: Commentor requests that the proposed Regulation be rejected because it broadens the definition of “sex,” will be used to open locker rooms, will force doctors to conduct unnecessary surgeries, and will infringe on religious entities’ ability to hire those who agree with the religious entities’ beliefs. The Commentor believes the Regulation should instead be decided by duly elected lawmakers.

Response: The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

18. Comment: Ashley Fortier (Form Letter B 14-61; B 8-13)

Comment: Commentor supports the Regulation and requests the Commission urgently ensure the passage of the Regulation.
Response: Thank you for your comment.

19. **Comment: Gail Hull**

   **Comment:** I am writing in support of the new regulation.

   **Response:** Thank you for your comment.

20. **Comment: Janet Haledet**

   **Comment:** Commentor is a LGBTQ+ senior citizen who is physically challenged and supports the Regulation.

   **Response:** Thank you for your comment.

21. **Comment: John Soden**

   **Comment:** Commentor requests that the proposed Regulation be rejected because it broadens the definition of "sex," will be used to open locker rooms, will force doctors to conduct unnecessary surgeries, and will infringe on religious entities' ability to hire those who agree with the religious entities' beliefs. This regulation should instead be decided by duly elected lawmakers.

   **Response:** The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

22. **Comment: Kenneth Boland**

   **Comment:** Commentor requests that the proposed Regulation be rejected because it broadens the definition of "sex," infringes on personally held religious beliefs, and negatively affects the religious protections for religious ministries and schools.

   **Response:** The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The Regulation is drafted to ensure that
the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Thank you for your comment.

23. **Comment: Illya S.**

Comment: Commentor believes that the Regulation will increase litigation against small businesses and encourage small businesses to hire from family and friends instead of an individual who identifies as LGBTQ+.

Response: The Commission seeks to eradicate discrimination on the basis of sex and this Regulation will help support small businesses by providing the necessary guidance in their business policies and practices. Thank you for your comment.

24. **Comment: Barb Young**

Comment: Commentor supports the Regulation and believes individuals in the LGBTQ+ community need this protection.

Response: Thank you for your comment.

25. **Comment: Susan M. Haskins**

Comment: Commentor supports the Regulation and believes it should apply to private enterprises as well.

Response: The PHRA does extend to public accommodations and does cover private employers of four (4) or more employees. Thank you for your comment.

26. **Comment: Frederick Salek**

Comment: Commentor believes the Regulation is a burden on parties which will lead to additional litigation in areas such as to who can use a restroom or who can participate in interscholastic sports, as well as infringe on religious liberties. Commentor believes the PHRC proceeded with little input and these issues should be resolved by local municipalities.

Response: The PHRC has received public comments regarding the proposed Regulation in which this comment was received. The PHRC went a step further and held Listening Sessions after sending out over 300+ targeted letters seeking input from various business, religious, and school entities. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Thank you for your comment.
27. **Comment: Beth Shank**

Comment: I am in favor of the Regulation not to discriminate against our LGBTQ friends, families, and neighbors. I would extend the protections from employers with four (4) employees to employers with (1) employee.

**Response:** Thank you for the comment.

28. **Comment: Vicki Zurbrick**

Comment: Commentor raises various concerns that the Regulation would cause unfairness in women's sports, will be used to open locker rooms, will force doctors to conduct unnecessary surgeries, and will infringe on religious entities' ability to hire those who agree with the religious entities' beliefs. The matters in the Regulation should be handled by duly elected lawmakers.

**Response:** The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. This Regulation provides notice and standards regarding discriminatory practices. To the extent the Regulation affects school sports, the Commission ensures due process by considering facts specific to each case. One of the core functions of the Commission is to ensure due process and adjudicate claims of discrimination. Further, the Commission does not condone any criminal conduct. The commentor's conclusory statement the Regulation will lead to an increase in criminal activity is without evidence and misplaced. Further, school districts would continue to develop their own respective bathroom and locker room policies. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

29. **Comment: Sara Ferah**

Comment: Commentor provided suggestions for further clarification of proposed terms within the Regulation.

**Response:** The Commission drafted the Regulation pursuant to the standards for regulatory language after input from various stakeholders. Thank you for your comment.

30. **Comment: Susan Nirella**

Comment: Commentor requests that the proposed Regulation be rejected because it broadens the definition of “sex”, will be used to open locker rooms, will force doctors to
conduct unnecessary surgeries, and will infringe on religious entities' ability to hire those who agree with the religious entities' beliefs. The Commentor believes the Regulation should instead be decided by duly elected lawmakers.

**Response:** The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

31. **Comment: M. Jansen**

**Comment:** Commentor believes the definitions in the proposed Regulation are vague and subjective and, does not see a public need for the Regulation. The only stakeholders consulted for this proposed regulation, as shown by the PHRC's own documentation, are LGBTQ groups.

**Response:** The Commission is tasked to eradicate discrimination. The PHRC has received public comments regarding the proposed Regulation for which this comment was received. The PHRC also held Listening Sessions after sending out over 300+ targeted letters seeking input from various business, religious, and school entities. The tailored provisions of the Regulation define the protections afforded by the PHRA and the PFEOA and PHRC's ability to adjudicate claims based on race, sex, and religious creed. Thank you for your comment.

32. **Comment: Nancy Stiffler**

**Comment:** Commentor is a lifelong resident of Pennsylvania and opposes the Regulation. Commentor believes these matters are reserved for the Legislature.

**Response:** The PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

33. **Comment: Patricia Waters**

**Comment:** Commentor rejects the Regulation and believes this Regulation is politically motivated.

**Response:** The Commission is a non-political organization. There is an equal number of Republican and Democratic Commissioners, and the Agency does not engage in politics
when drafting regulations. The Commission respects the political views of the Commentor. Thank you for your comment.

34. **Comment: Mel Horst**

Comment: Commentor opposes the Regulation.

Response: Thank you for your comment.

35. **Comment: Nancy T. (Nancy Thomas)**

Comment: Commentor believes these matters should not be dealt with by the PHRC but by the Legislature.

Response: The PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

36. **Comment: Ken Forbes**

Comment: Commentor believes the subject matter of the Regulation should be handled by the Legislature.

Response: The PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

37. **Comment: Jon B. (Marian Barnett)**

Comment: Commentor does not see a need for the Regulation, and it is being forced on Pennsylvanians.

Response: The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. Thank you for your comment.

38. **Comment: Ronna Wasik**

Comment: Commentor requests that the proposed Regulation be rejected because it broadens the definition of "sex", will be used to open locker rooms, will force doctors to conduct unnecessary surgeries, and will infringe on religious entities' ability to hire those who agree with the religious entities' beliefs. The Commentor believes the Regulation should instead be decided by duly elected lawmakers.
Response: The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

39. **Comment: Sara Morton**

Comment: The Commentor is 80 years old and spent a lifetime hiding the way they feel. The Commentor supports the Regulation, and it will benefit the community.

Response: Thank you for your comment.

40. **Comment: Linda Wilson**

Comment: Commentor requests that the proposed Regulation is rejected because it broadens the definition of “sex”, will be used to open locker rooms, will force doctors to conduct unnecessary surgeries, and will infringe on religious entities’ ability to hire those who agree with the religious entities’ beliefs. The Commentor believes the Regulation should instead be decided by duly elected lawmakers.

Response: The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. Further, businesses and public accommodations would continue to individually develop respective restroom and locker room policies. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

41. **Comment: Lisa Shoemaker**

Comment: Commentor is opposed to the Regulation.

Response: Thank you for your comment.
42. **Comment: Lisa Costigan**

**Comment:** Commentor believes that the subject matter of the Regulation should be handled by the Legislature.

**Response:** The PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

43. **Comment: Michael Hellman**

**Comment:** Commentor is a gay citizen of Pennsylvania and supports the Regulation.

**Response:** Thank you for your comment.

44. **Comment: Virginia Fitzsimmons**

**Comment:** Commentor requests that the proposed Regulation is rejected because it broadens the definition of "sex," will be used to open locker rooms, will force doctors to conduct unnecessary surgeries, and will infringe on religious entities' ability to hire those who agree with the religious entities' beliefs. The Commentor believes the Regulation should instead be decided by duly elected lawmakers.

**Response:** The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. Further, businesses and public accommodations would continue to develop respective restroom and locker room policies. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

45. **Comment: M.V.**

**Comment:** Commentor raises various concerns that the Regulation creates privacy concerns in restrooms and locker rooms, broadens the definition of "sex," forces doctors to conduct unnecessary surgeries, and infringes on religious entities' beliefs. The Commentor believes the Regulation should be decided by the Legislature.

**Response:** The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the
basic and fundamental problem of discrimination. Further, businesses and public accommodations would continue to develop respective restroom and lockerroom policies. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

46. **Comment: Susan G. Mowrer**

**Comment:** Commentator is opposed to the Regulation and is concerned by the number of persons, groups, or entities that will be required to comply with the regulation compared to the number of stakeholders that were consulted when promulgating the Regulation.

**Response:** The Commission has received public comments regarding the proposed Regulation for which this comment was received. The PHRC also held listening sessions after sending out over 300+ targeted letters seeking input from various business, religious, and school entities. The tailored provisions of the Regulation define the protections afforded by the PHRA and the PFEOA and PHRC's ability to adjudicate claims based on race, sex, and religious creed. Thank you for your comment.

47. **Comment: Patrice Smith**

**Comment:** Commentator suggests that the proposed Regulation broadens the term “sex” which is contrary to her religious beliefs.

**Response:** The Commission is tasked to deal comprehensively with issue of discrimination on the basis of “sex.” The Commission appreciates and respects commentors' religious beliefs. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided for religious protections in the Religious Freedom Protection Act. Thank you for your comment.

48. **Comment: Linda Dukes**

**Comment:** Commentor requests that the proposed Regulation is rejected because it broadens the definition of “sex,” will be used to open locker rooms, will force doctors to

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13 43 P.S. §§ 954(b) and (l), 955(a), (h)(10), 955.1, and 955.2.
14 24 P.S. §§ 5002(c), 5003(1) and (2), 5004(a.1)(1)-7 and (c), 5006(1)-5.
15 16 Pa. Code §§ 45.13(a)(1)-(2) and (c), 45.17(a) and (b), 47.11(a) and (b), 47.41, 47.51, 47.71-74, 51.1-51.61.
conduct unnecessary surgeries, and will infringe on religious entities' ability to hire those who agree with the religious entities' beliefs. The Commentor believes the Regulation should instead be decided by duly elected lawmakers.

Response: The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The proposed Regulation has also been drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be preserved along with the protections afforded by the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959(d). Thank you for your comment.

49. Comment: Sandra Farcht (Form Letter D 748-767)

Comment: Commentor requests that the proposed Regulation is rejected because it broadens the definition of "sex," will be used to open locker rooms, will force doctors to conduct unnecessary surgeries, and will infringe on religious entities' ability to hire those who agree with the religious entities' beliefs. The Commentor believes the Regulation should instead be decided by duly elected lawmakers.

Response: The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with issue of discrimination. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The proposed Regulation have been drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be preserved along with the protections afforded by the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959(d). Thank you for your comment.

50. Comment: Howard Robin

Comment: Commentor suggests that the proposed Regulation broadens the term "sex" in a way that is contrary to her religious beliefs.

Response: The Commission is tasked to deal comprehensively with issue of discrimination on the basis of "sex." The Commission appreciates and respects commentors' religious beliefs. The Regulation is drafted to ensure that the religious

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16 43 P.S. §§ 954(b) and (l), 955(a), (h)(10), 955.1 and 955.2.
17 24 P.S. §§ 5002(c), 5003(1) and (2), 5004(a.1)(1)(-7) and (c), 5006(1)-(5).
18 16 Pa. Code §§ 45.13(a)(1) and (2), 45.174(a) and (b), 47.11(a) and (b), 47.41, 47.51, 47.71-74, 51.1-51.61.
19 43 P.S. §§ 954(b) and (l), 955(a), (h)(10), 955.1 and 955.2.
20 24 P.S. §§ 5002(c), 5003(1) and (2), 5004(a.1)(1)(-7) and (c), 5006(1)-(5).
21 16 Pa. Code §§ 45-13(a)(1)(-2) and (c), 45.174(a) and (b), 47.11(a) and (b), 47.41, 47.51, 47.71-74, 51.1-51.61.
protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided in the Religious Freedom Protection Act. Thank you for your comment.

51. **Comment: Gail Patterson**

Comment: Commentor suggests that the proposed Regulation broadens the term “sex” in a way that is contrary to her religious beliefs.

Response: The Commission is tasked to deal comprehensively with issue of discrimination on the basis of “sex.” The Commission appreciates and respects commentors’ religious beliefs. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided in the Religious Freedom Protection Act. Thank you for your comment.

52. **Comment: Linda Campanella**

Comment: Commentor raises various concerns that the Regulation creates privacy concerns in restrooms and locker rooms, broadens the definition of “sex,” forces doctors to conduct unnecessary surgeries, and infringes on religious entities’ beliefs. The Commentor believes the Regulation should be decided by Legislature.

Response: The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. Further, businesses, public accommodations would continue to individually develop respective restroom and locker room policies. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.

53. **Comment: Jack Harbaugh**

22 43 P.S. §§ 954(b) and (l), 955(a), (h)(10), 955.1, and 955.2.
23 24 P.S. §§ 5002(c), 5003(1) and (2), 5004(a.1)(1)-(7) and (c), 5006(1)-(5).
24 16 Pa. Code §§ 45.13(a)(1)-(2) and (c), 45.174(a) and (b), 47.11(a) and (b), 47.41, 47.51, 47.71-74, 51.1-51.61.
Comment: Commentor raises various concerns that the Regulation creates privacy concerns in restrooms and locker rooms, broadens the definition of "sex" against the Commentor's religious beliefs, forces doctors to conduct unnecessary surgeries, and infringes on religious entities' beliefs. The Commentor believes the Regulation should be decided by Legislature.

Response: The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination, including discrimination on the basis of "sex." The Commission appreciates and respects commentors' religious beliefs. Further, businesses and public accommodations would continue to individually develop respective restroom and locker room policies. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959(d). Thank you for your comment.

54. **Comment: Dennis and Lois Steffy**

Comment: Commentor raises various concerns that the Regulation creates privacy concerns in restrooms and locker rooms, broadens the definition of "sex," forces doctors to conduct unnecessary surgeries, and infringes on religious entities' beliefs. The Commentor believes the Regulation should be decided by Legislature.

Response: The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. Further, businesses and public accommodations would continue to individually develop respective restroom and locker room policies. The Commission disagrees that the Regulation will force doctors or members of medical profession to conduct unnecessary surgeries. The Regulation is drafted to ensure that the religious protections found in the PHRA, PFEOA, Commission regulations, and any related caselaw continue to be viable protections for religious institutions that could be subject to enforcement actions. Additionally, the proposed Regulation is further subject to the limitations provided in the Religious Freedom Protection Act. Further, the PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959(d). Thank you for your comment.

55. **Comment: Kevin Seeker**

Comment: Commentor is an owner/operator of a small business and supports the Regulation.

Response: Thank you for your comment.
56. **Comment: Jeffrey Graver (Form Letter C 1-242)**

   **Comment:** Commentor supports the regulation regarding the definition of discrimination on the basis of "sex."

   **Response:** Thank you for your comment.

57. **Comment: David and Tonya Stoner**

   **Comment:** Commentors believe that the subject matter of the Regulation should be handled by the Legislature.

   **Response:** The proposed Regulation provides notice and standards regarding discriminatory practices. The Commission is tasked to deal comprehensively with the basic and fundamental problem of discrimination. The PHRA specifically grants the authority to the Commission to adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this act. 43 P.S. §959 (d). Thank you for your comment.
APPENDIX 1
Organizations to Invite to Comment on Proposed Regulation #52-13

1
African-American Chamber of Commerce
1617 JFK Blvd, Suite 889
Philadelphia, PA 19103
The African American Chamber of Commerce - PA, NJ, DE (aachamber.com)

2
Pennsylvania Library Association
220 Cumberland Parkway, Suite 10
Mechanicsburg, PA 17055
Pennsylvania Library Association (palibraries.org)

3
Pennsylvania's State System of Higher Education
2300 Vartan Way, Suite 207
Harrisburg, PA 17110
Our Universities | PA State System of Higher Education (passhe.edu)

4
County Commissioners Association of Pennsylvania
PO Box 60769
Harrisburg, PA 17106-0769
Home - County Commissioners Association of Pennsylvania CCAP (pacounties.org)

5
Pennsylvania Municipal Authorities Association
1000 N. Front Street, Suite 401
Wormleysburg, PA 17043
Home Page | Municipal Authorities

6
Pennsylvania Municipal League
414 N. Second Street
Harrisburg, PA 17101
The Pennsylvania Municipal League (pml.org)

7
Pennsylvania School Boards Association
400 Bent Creek Boulevard
Mechanicsburg, PA 17050-1873
PSBA - Stronger Schools, Stronger Pennsylvania

8
Pennsylvania State Association of Boroughs
2941 N. Front Street
Harrisburg, PA 17110
PA State Association of Boroughs

9
Pennsylvania State Association of Township Commissioners
414 N. Second Street
Harrisburg, PA 17101
PSATC Overview - The Pennsylvania Municipal League (pml.org)

10
Pennsylvania State Association of Township Supervisors
4855 Woodland Drive
Enola, PA 17025
Home - PSATS Main

11
Pennsylvania Youth Congress
413 Walnut Street
Harrisburg, PA 17101
Pennsylvania LGBTQ Organization Directory – The Pennsylvania Youth Congress (payouthcongress.org)

12
Pennsylvania Equality Project
639 Russell Ave
Meadville, PA 16335
Home | PA Equality Project

13
Alder Health Services
100 N. Cameron Street, Suite 201
Harrisburg, PA 17101

Alder Health Services
313 West Liberty Street, Suite 371
Lancaster, PA 17603
Home : Alder Health Services

14
PERSAD Center
5301 Butler Street, Suite 100
Pittsburgh, PA 15201
LGBTQ Mental Health | Persad Center | Pittsburgh

PERSAD Center
The Center on Strawberry
59 E. Strawberry Alley
Washington, PA 15301

15
The Mazzoni Center
1348 Bainbridge Street
Philadelphia, PA 19147
Mazzoni Center | Our health, Our lives, Our community.

The Mazzoni Center
1201 Locust Street
Philadelphia, PA 19107

16
Erie Mayor’s LGBTQ+ Advisory Council
Chief of Staff Renée M. Lamis
rlamis@erie.pa.us
LGBTQ+ Council – Erie, PA

17
Philadelphia Office of LGBTQ Affairs
City Hall
Room 110
Philadelphia, PA 19107
Office of LGBT Affairs | Homepage | City of Philadelphia

18
Pennsylvania Association of Realtors
500 North 12th Street
Lemoyne, PA 17043
Home - Pennsylvania Association of Realtors® (palealtors.org)

19
Independence Business Alliance
230 S. Broad Street, 17th Floor
Philadelphia, PA 19102
Home - Independence Business Alliance (thinkiba.com)

20
Keystone Business Alliance
PO Box 135
Harrisburg, PA 17108
Keystone Business Alliance - Home (wildapricot.org)

21
LGBT Business Council of the Greater Lehigh Valley
840 Hamilton Street, Suite 205
Allentown, PA 18101
LGBT Business of the Year (lehighvalleychamber.org)

22
Montgomery County LGBT Business Council
1776 at Ambler Yards
300 Brookside Ave
Building 4, Suite 125
Ambler, PA 19002
Montco LGBT Business Council - (montcolgbtbc.org)
23
Three Rivers Business Alliances
1735 E. Carson Street, Suite 403
Pittsburgh, PA 15203
Three Rivers Business Alliance - Home (3rba.com)

24
Attic Youth Center
255 S. 16th Street
Philadelphia, PA 19102
The Attic Youth Center - A safe space where it's OK2BU!

25
Bradbury-Sullivan LGBT Community Center
522 West Maple Street
at Bayard Rustin Way
Allentown, PA 18101
Bradbury-Sullivan LGBT Community Center (bradburysullivancenter.org)

26
Washington County Gay Straight Alliance, Inc.
Center on Strawberry
59 E. Strawberry Ave
Washington, PA 15301
LGBTQA+ Support & Resources in Washington PA | Washington County Gay Straight Alliance (wcgsa.org)

27
LGBT Center of Central Pennsylvania
PO Box 5629
Harrisburg, PA 17110
Home New (centralpalgbtcenter.org)

28
LGBT Center of Greater Reading
640 Centre Avenue
Reading, PA 19601
Home | LGBT Center of Greater Reading (lgbtcenterofreading.com)

29
Pittsburgh Equality Center
5401 Centre Avenue
Suite 103
Pittsburgh, PA 15232
Home - PGH Equality Center

30
SAGA Community Center
350 S. York Road
Hatboro, PA 19040
SAGA Community Center | Montgomery and Bucks County PA (sagahatboro.com)

31
Upper Delaware GLBT Center-Triversity
201 West Harford Street
PO Box 1295
Milford, PA 18337
Contact - TriVersity (triversitycenter.org)

32
William Way LGBT Community Center
1315 Spruce Street
Philadelphia, PA 19107
William Way Community Center (waygav.org)

33
Centre LGBTQ Support Network
PO Box 1008
State College, PA 16801
Centre LGBTQ Support Network (squarespace.com)

34
Colours Organization
1211 Chestnut Street, Suite 910
Philadelphia, PA 19107
Colours Organization

35
Delaware Valley Legacy Fund
1835 Market Street, Suite 2410
Philadelphia, PA 19103
HOME I dlvf

36
Eastern PA Trans Equity Project
Corinne.goodwin@patransequity.org
Eastern PA Trans Equity Project

37
Equality Forum
miazin@equalityforum.com
Home | Equality Forum

38
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
39
Galaei
118 Fontain Street
Philadelphia, PA 19122
GALAEI (galaeiqtbipoc.org)

40
Greater Erie Alliance for Equality
PO Box 522
Erie, PA 16512
Home - Greater Erie Alliance

41
The Fair Housing Council of the Capital Region, Inc.
2100 North 6th Street
Harrisburg, PA 17110
Home - PaFairHousing.org

42
Fair Housing Law Center
10 West Cherry Avenue
Washington, PA 15301
Fair Housing Law Center | Housing and Shelter - Housing Discrimination and Fair Housing | PALawHELP.org - Your Online Guide to Legal Information and Legal Services in Pennsylvania

43
LBT Women of Erie
eriebeans@yahoo.com

44
LGBT Elder Initiative
1315 Spruce Street
Philadelphia, PA 19107
LGBT EL | Successful Aging at Every Age (lgbtederinitiative.org)

45
LGBT Equality Alliance of Chester County
14 Gay Street, 1st Floor
Phoenixville, PA 19460
LGBT Equality Alliance (lgbteachesco.org)

46
NEPA Rainbow Alliance
PO Box 1044
Wilkes-Barre, PA 18703
Rainbow Alliance | Support a Cause | DiscoverNEPA
NWPA Pride Alliance, Inc.
PO Box 11448
Erie, PA 16514
LGBTQIA+ Community - NWPA Pride Alliance

Out & Equal – Philadelphia Chapter
hello@outandequal.org
Out & Equal | Workplace Advocates (outandequal.org)

Philadelphia Asian and Queer
philypaq@gmail.com
Philly Asian Queer

Philadelphia Family Pride
PO Box 31848
Philadelphia, PA 19104
Philadelphia Family Pride - Home

Pocono Action Lambda Society
PMB # 241
221 Skyline Drive, Suite 208
East Stroudsburg, PA 18301
Welcome to PALS! Pocono Action Lambda Society of NE Pennsylvania (palsnepa.org)

SisterSpace
PO Box 22476
Philadelphia, PA 19110
SisterSpace of the Delaware Valley – SisterSpace

SisTers PGH
2014 Monongahela Ave
Swissvale, PA 15218
Sisters PGH

Bucks County Human Relations Council
PO Box 235
Richboro, PA 18954
info@BCHumanRelations.org
Local Human Relations Councils – Bucks County Human Relations Council (bchumanrelations.org)
55
The Association of LGBTQ Journalists – Philadelphia Chapter
2120 L Street, NW
Suite 850
Washington, DC 20037
Philadelphia Chapter - NLGJA

56
TransCentral PA
info@transcentralpa.org
Welcome! (transcentralpa.org)

57
TransFamily of NWPA
TransFamilyNWPA@Gmail.com
TransFamily of NWPA (transfamilynwpa.org)

58
Community Legal Services
1424 Chestnut Street
Philadelphia, PA 19102
Community Legal Services - Philadelphia | Free Legal Help (clsphiladelphia.org)

Community Legal Services
1410 W. Erie Avenue
Philadelphia, PA 19140

Community Legal Services
1339 Chestnut Street, 6th Floor
Philadelphia, PA 19103

59
Fair Housing Partnership of Greater Pittsburgh, Inc.
2840 Liberty Avenue, Suite 205
Pittsburgh, PA 15222
Fair Housing Partnership (fhp.org)

60
Fair Housing Rights Center in Southeastern Pennsylvania
444 N. 3rd Street, Suite 110
Philadelphia, PA 19123
FHRC – Building Strong Communities (fairhousingrights.org)

61
Pennsylvania Coalition Against Domestic Violence
3605 Vartan Way, Suite 101
Harrisburg, PA 17110
PCADV - Pennsylvania Coalition Against Domestic Violence
62
Philadelphia Legal Assistance
718 Arch Street, Suite 300N
Philadelphia, PA 19106
Philadelphia Legal Assistance (philalegal.org)

63
Pennsylvania Association of Housing and Redevelopment Agencies
P.O. Box J
New Florence, PA 15944
The Pennsylvania Association of Housing and Redevelopment Agencies (pahra.org)

64
Women Against Abuse
100 South Broad Street, Suite 1341
Philadelphia, PA 19102
Home | Women Against Abuse

65
American Civil Liberties Union of Pennsylvania
PO Box 60173
Philadelphia, PA 19102
Pennsylvania | American Civil Liberties Union (aclu.org)

66
Pennsylvania Pharmacists Association
508 North Third Street
Harrisburg, PA 17101
Pennsylvania Pharmacists Association (papharmacists.com)

67
The Chamber of Commerce for Greater Philadelphia
200 S. Broad Street, Suite 700
Philadelphia, PA 19102
The Chamber of Commerce for Greater Philadelphia – At the Heart of Good Business (chamberphl.com)

68
The Montgomery County Chamber of Commerce
101 Bill Smith Boulevard
King of Prussia, PA 19406
Home - Montgomery County Chamber of Commerce

69
Central Bucks Chamber of Commerce
252 W. Swamp Road, Suite 23
Doylestown, PA 18901
Central Bucks Chamber of Commerce in Doylestown, Bucks County, Pennsylvania (PA)

70
Lower Bucks County Chamber of Commerce
409 Hood Boulevard
Fairless Hills, PA 19030
Lower Bucks County Chamber of Commerce (lbccc.org)

71
Upper Bucks Chamber of Commerce
21 N. Main Street
Quakertown, PA 18951
Upper Bucks Chamber of Commerce | Quakertown, PA 18951 (ubcc.org)

72
Delaware County Chamber of Commerce
1001 Baltimore Pike, Suite 9 LL
Springfield, PA 19064
Delaware County Chamber of Commerce - Delaware County Chamber of Commerce | Springfield, PA (delcochamber.org)

73
Chester County Chamber of Business & Industry
1600 Paoli Pike
Malvern, PA 19355
Chester County Chamber of Business and Industry | Malvern, PA: Chester County Chamber of Business and Industry (chescochamber.org)

74
The Chamber of Gettysburg & Adams County
1382 Biglerville Road
Gettysburg, PA 17325
The Chamber of Gettysburg & Adams County — Gettysburg Adams Chamber of Commerce • (gettysburg-chamber.org)

75
Allegheny Valley Chamber of Commerce
1 Ace Drive, Suite 2
Natrona Heights, PA 15065
Allegheny Valley Chamber of Commerce | alleghenyvalleychamber.comalleghenyvalleychamber.com

76
Allegheny Conference on Community Development
11 Stanwix Street, 17th Floor
Pittsburgh, PA 15222
Allegheny Conference — Home

77
Greater Pittsburgh Chamber of Commerce
11 Stanwix Street, 17th Floor
Pittsburgh, PA 15222
Greater Pittsburgh Chamber of Commerce — Home

78
North Side | Shore Chamber of Commerce
809 Middle Street
Pittsburgh, PA 15212
northsidechamberofcommerce.com
Armstrong County Industrial Development Council
402 Market Street
Kittanning, PA 16201
Armstrong County Industrial Development Council [armstrongidc.org]

Beaver County Chamber of Commerce
525 Third St., 2nd Floor
Beaver, PA 15009
Home - Beaver County Chamber of Commerce, PA

Bedford County Chamber of Commerce
203 South Juliana Street
Bedford, PA 15522
Home - Bedford County Chamber of Commerce

Greater Reading Chamber Alliance
606 Court Street
Reading, PA 19601
Welcome to Greater Reading Chamber & Economic Development Corporation - Greater Reading Chamber Alliance

Northeast Berks Chamber of Commerce
110 W. Main Street
P.O. Box 209
Kutztown, PA 19530
Chamber of Commerce for the North East Berks County Area - Northeast Berks Chamber of Commerce

Blair County Chamber of Commerce
3500 Industrial Park Drive, Suite 12
Altoona, PA 16602
Home (blairchamber.com)

Bradford Area Chamber of Commerce
121 Main Street
Bradford, PA 16701
BRADFORD AREA CHAMBER OF COMMERCE - Home

Butler County Chamber of Commerce
2525 Rochester Road
Cranberry Township, PA 16066
Contact - Butler County Chamber of Commerce

Cambria Regional Chamber
245 Market Street, Suite 100
Johnstown, PA 15901
Cambria Regional Chamber - Business advocate & community development (crchamber.com)

88
Cambria Regional Chamber of Commerce
34 East Fourth Street
Emporium, PA 15834
Chamber/Emporium/Cameron County Chamber of Commerce & Artisan Center

89
Greater Lehigh Valley Chamber of Commerce
840 Hamilton Street, Suite 205
Allentown, PA 18101
Carbon Chamber & Economic Development Corporation | Lehigh Valley Chamber

Greater Lehigh Valley Chamber of Commerce
74 West Broad Street, Suite 240
Bethlehem, PA 18018

Greater Lehigh Valley Chamber of Commerce
158 A Northampton Street
Easton, PA 18042

Greater Lehigh Valley Chamber of Commerce
Mauch Chunk Trust Building
7 East Point Road
Albrightsville, PA 18210

Greater Lehigh Valley Chamber of Commerce
Coopersburg Borough Hall
5 North Main Street
Coopersburg, PA 18036

Greater Lehigh Valley Chamber of Commerce
191 Main Street, Suite 205
Emmaus, PA 18049

Greater Lehigh Valley Chamber of Commerce
685 Main Street
Hellertown, PA 18055

Greater Lehigh Valley Chamber of Commerce
137 South Street
Lehighton, PA 18235

Greater Lehigh Valley Chamber of Commerce
3700 Old Philadelphia Pike
Bethlehem, PA 18015

Greater Lehigh Valley Chamber of Commerce
18 South Main Street
Nazareth, PA 18064

Greater Lehigh Valley Chamber of Commerce
Heidelberg Township Building
6272 Route 309
New Tripoli, PA 18066

Greater Lehigh Valley Chamber of Commerce (Northampton)
1637 Main Street
Northampton, PA 18067

Greater Lehigh Valley Chamber of Commerce
1004 W. Main Street
Stroudsburg, PA 18360

Greater Lehigh Valley Chamber of Commerce
Berkshire Hathaway Prudential Benjamin Real Estate
4327 Route 309
Schnecksville, PA 18078

Greater Lehigh Valley Chamber of Commerce
Slatington Library
650 Main Street
Slatington, PA 18080

Greater Lehigh Valley Chamber of Commerce
881 Third St., Suite B10
Whitehall, PA 18052

Greater Lehigh Valley Chamber of Commerce
CareerLink Building
555 Union Boulevard
Allentown, PA 18109

90
Chamber of Business & Industry of Centre County
131 S. Fraser Street, Suite 1
State College, PA 16801
Home (cbicc.org)

91
Clarion Area Chamber of Business & Industry
650 Main Street
Clarion, PA 16214
Clarion Chamber of Business & Industry | Clarion PA – The Clarion Chamber of Business & Industry is a voluntary partnership of business and professional people working together to build a healthy economy and to improve the quality of life in our community.

92
Greater Clearfield Chamber of Commerce
218 S. Second Street
Clearfield, PA 16830
HOME | clearfield-chamber (clearfieldchamber.com)

93
Clinton County Chamber of Commerce
212 North Jay Street
Lock Haven, PA 17745
Chamber of Commerce | Clinton County Economic Partnership (clintoncountyinfo.com)

94
The Columbia Montour Chamber of Commerce
238 Market Street
Bloomsburg, PA 17815
Home - Columbia Montour Chamber of Commerce
Meadville-Western Crawford County Chamber of Commerce
908 Diamond Park
Meadville, PA 16335
Home - Meadville-Western Crawford County Chamber of Commerce, PA (meadvillechamber.com)

Carlisle Area Chamber of Commerce
801 S. Hanover Street
Carlisle, PA 17013
Home - Carlisle Area Chamber of Commerce (carlislechamber.org)

Mechanicsburg Chamber of Commerce
6 W. Strawberry Avenue
Mechanicsburg, PA 17055

Shippensburg Area Chamber of Commerce
68 W. King Street
Shippensburg, PA 17257

West Shore Chamber of Commerce
4211 Trindle Road
Camp Hill, PA 17011

Harrisburg Regional Chamber & CREDC
3211 N. Front Street, Suite 201
Harrisburg, PA 17110
Harrisburg Regional Chamber & CREDC

Hershey PA Chamber of Commerce
150 W. Chocolate Avenue
Hershey, PA 17033
Become a Hershey Partnership Member | PA Chamber of Commerce

Middletown Pennsylvania Chamber of Commerce
60 West Emaus Street
Middletown, PA 17057

Millersburg Pennsylvania Chamber of Commerce
PO Box 172
Millersburg, PA 17061

Ridgway-Elk County Chamber of Commerce
300 Main Street
Ridgway, PA 15853
Ridgway Elk-County Chamber of Commerce (ridgwaychamber.com)
Erie Regional Chamber and Growth Partnership
1128 State Street, Suite 300
Erie, PA 16501
Erie, PA Chamber of Commerce - Erie Regional Chamber & Growth Partnership (eriepa.com)

106
Fayette Chamber of Commerce
65 West Main Street, Suite 107
Uniontown, PA 15401
FAYETTE COUNTY CHAMBER OF COMMERCE | UNIONTOWN, PA 15401-3345 - Fayette County Chamber of Commerce | Uniontown, PA 15401-3345 (fayettechamber.com)

107
Greater Connellsville Chamber of Commerce
100 South Arch Street
Connellsville, PA 15425
Greater Connellsville Chamber of Commerce - Home

108
Forest County Business Alliance
PO Box 528
Marienville, PA 16239
Home - Forest County Business Alliance (fcbusinessalliance.com)

109
Franklin Area Chamber of Commerce
1255 Liberty Street
Franklin, PA 16323
Home - Franklin Area Chamber of Commerce, PA

110
Fulton County Chamber of Commerce & Tourism
PO Box 141
McConnellsburg, PA 17233
Fulton County Chamber of Commerce & Tourism | (fultoncountypa.com)

111
Greene County Chamber of Commerce
3157 Mt. Morris Road, Suite 103
Waynesburg, PA 15370
Home - Greene County Chamber of Commerce (greenechamber.org)

112
Huntingdon County Chamber of Commerce
500 Allegheny Street
Huntingdon, PA 16652
Home - Huntingdon County Chamber of Commerce (huntingdonchamber.com)

113
Indiana County Chamber of Commerce
1019 Philadelphia Street
Indiana, PA 15701
Indiana County Chamber Of Commerce

114
Brookville Area Chamber of Commerce (Jefferson)
100 Franklin Avenue
Brookville, PA 15825
Chamber of Commerce, Local Business - Brookville, Pennsylvania (brookvillechamber.com)

115
Juniata River Valley Chamber of Commerce (Juniata and Mifflin)
Historic Courthouse
One West Market Street
Lewistown, PA 17044
Juniata River Valley Chamber of Commerce – Get Connected! (jrvchamber.com)

116
Greater Scranton Chamber of Commerce (Lackawanna)
P.O. Box 431
222 Mulberry Street
Scranton, PA 18501

117
The Greater Carbondale Chamber of Commerce
27 North Main Street
Carbondale, PA 18407
The Greater Carbondale Chamber Of Commerce - Your Chamber

118
Lancaster Chamber
115 E. King Street
Lancaster, PA 17602
Home - Lancaster Chamber of Commerce

119
Northern Lancaster County Chamber of Commerce
P.O. Box 723
Ephrata, PA 17522
The Northern Lancaster County Chamber of Commerce (northernlancasterchamber.org)

120
Southern Lancaster County Chamber of Commerce
220 W. State Street
PO Box 24
Quarryville, PA 17566
The Southern Lancaster Chamber of Commerce | Home

121
Lawrence County Regional Chamber of Commerce
325 East Washington Street
New Castle, PA 16101
Home - Lawrence County Regional Chamber of Commerce - PA, PA

122
Lebanon Valley Chamber of Commerce
989 Quentin Road, Suite 1
Lebanon, PA 17042
Lebanon Valley PA Chamber of Commerce (lvchamber.org)
123
Back Mountain Chamber (Luzerne)
105 Lt. Michael Cleary Drive
Dallas, PA 18612
Home - Back Mountain Chamber

124
Greater Hazleton Chamber of Commerce
8 West Broad Street
Mezzanine, Suite 1490
Hazleton, PA 18201
Greater Hazleton Chamber of Commerce

125
Greater Pittston Chamber of Commerce
104 Kennedy Boulevard
Pittston, PA 18640
Home - Greater Pittston Chamber of Commerce, PA

126
Williamsport Lycoming Chamber of Commerce
102 W. Fourth Street
Williamsport, PA 17701
WLCC - Williamsport/ Lycoming Chamber of Commerce

127
Bradford Area Chamber of Commerce (McKean)
121 Main Street
Bradford, PA 16701
BRADFORD AREA CHAMBER OF COMMERCE - Home

128
Mercer Area Chamber of Commerce
143 North Diamond Street
Mercer, PA 16137
Mercer Area Chamber of Commerce in Mercer, Pennsylvania

129
Pocono Chamber of Commerce (Monroe)
1004 W. Main Street
Stroudsburg, PA 18360
Home - Pocono Chamber of Commerce | Stroudsburg PA

130
Central PA Chamber of Commerce (Columbia, Montour, Northumberland, Snyder, Union)
30 Lawton Lane
Milton, PA 17847
Central PA Chamber of Commerce – Central PA Chamber of Commerce

131
Perry County Chamber of Commerce
PO Box 663
New Bloomfield, PA 17068
Home - Perry County Chamber of Commerce - PA, PA
132
Pike County Chamber of Commerce
Milford Community House
201 Broad Street, Suite 2
Milford, PA 18337
Home - Pike County Chamber of Commerce - PA (pikechamber.com)

133
Coudersport Area Chamber of Commerce (Potter/Tioga)
2053 Route 660
Wellsboro, PA 16901
Coudersport Area Chamber of Commerce | Visit Potter-Tioga Pennsylvania (visitpottertioga.com)

134
Schuylkill Chamber of Commerce
Union Station
1 Progress Circle
Suite 201
Pottsville, PA 17901
Home - Schuylkill Chamber of Commerce

135
The Chamber Somerset County
601 N. Center Avenue
Somerset, PA 15501
Somerset County Pennsylvania Chamber of Commerce — Non-profit corporation dedicated to promoting this region as a superior locale in which to live, work, vacation and conduct business (somersetcountychamber.com)

136
Sullivan County PA Chamber of Commerce
202 S. Turnpike Street
Dushore, PA 18614
Sullivan County PA Chamber of Commerce | 202 S. Turnpike Street, Dushore Pa 18614 | (272) 202-0123

137
Montrose Area Chamber of Commerce (Susquehanna)
PO Box 423
Montrose, PA 18801
Home - Montrose Area Chamber of Commerce, PA

138
Tioga County Development Corporation
33 Pearl Street
Wellsboro, PA 16901
Economic Development | Develop Tioga | United States

139
Venango Area Chamber of Commerce
24 Seneca Street
PO Box 376
Oil City, PA 16301
Venango Area Chamber of Commerce (venangochamber.org)
Warren County Chamber of Business & Industry
308 Market Street
Warren, PA 16365
WCCBI – Warren County Chamber of Business & Industry

141
Washington County Chamber of Commerce
375 Southpointe Boulevard, Suite 240
Canonsburg, PA 15317
Washington County Chamber of Commerce - Washington County Chamber of Commerce
(washcochamber.com)

142
Greater Honesdale Partnership (Wayne)
32 Commercial Street, Suite 3
Honesdale, PA 18431
Home - Greater Honesdale Partnership (visithonesdalepa.com)

143
Westmoreland County Chamber of Commerce
241 Tollgate Hill Road
Greensburg, PA 15601
Westmoreland County Chamber of Commerce | Greensburg, PA - Home (westmorelandchamber.com)

144
Wyoming County Chamber of Commerce
PO Box 568
Tunkhannock, PA 18657
Home - Wyoming County Chamber of Commerce (wyccc.com)

145
Greater Wyoming Valley Chamber of Commerce
7 South Main Street
3rd Floor, Suite 4
Wilkes-Barre, PA 18701
Home - Greater Wyoming Valley Chamber of Commerce

146
York County Economic Alliance
144 Roosevelt Avenue
York, PA 17401
Home | York County Economic Alliance (yceapa.org)

147
Hanover Area Chamber of Commerce
40 York Street, Suite 2
Hanover, PA 17331
Hanover Area Chamber of Commerce (hanoverchamber.com)

148
Pennsylvania Institute of Certified Public Accountants
Ten Penn Center
1801 Market Street, Suite 2400
Philadelphia, PA 19103
PICPA - Pennsylvania Institute of Certified Public Accountants
149
**Pennsylvania Society of Tax & Accounting Professionals**
20 Erford Road, Suite 200A
Lemoyne, PA 17043
*Pennsylvania Society of Tax & Accounting Professionals (pstap.org)*

150
**American Institute of Architects Pennsylvania**
240 North Third Street, 12th Floor
Harrisburg, PA 17101
*AIA Pennsylvania – Designed for Architects. (aiapa.org)*

151
**Pennsylvania Auctioneers Association**
P.O. Box 686
Gilbertsville, PA 19525
*Home (paauctioneers.org)*

152
**Coalition of Pennsylvania Real Estate Appraisers**
LPReA c/o MidAtlantic Valuation Group
489 Devon Park Drive, Suite 309
Wayne, PA 19087
*Coalition of Pennsylvania Real Estate Appraisers — Promoting Responsible Real Estate Valuation (crea.org)*

153
**American Society of Appraisers – Philadelphia Chapter**
70208 Delaire Landing Road,
Philadelphia, PA 19114
*American Society of Appraisers - Philadelphia Chapter (asaphila.com)*

154
**Realtors Association of Metropolitan Pittsburgh**
1427 West Liberty Avenue
Pittsburgh, PA 15226
*Appraisal - Realtors Association of Metropolitan Pittsburgh (realtorspgh.com)*

155
**Appraisal Institute – Western Pennsylvania Chapter**
1427 West Liberty Avenue
Pittsburgh, PA 15226
*Appraisal Institute – Professionals Providing Real Estate Solutions (wpaai.org)*

156
**Pennsylvania Chiropractic Association**
1335 North Front Street
Harrisburg, PA 17102
*Home - The Pennsylvania Chiropractic Association (pennchiro.org)*

157
**Pennsylvania Society of Professional Engineers**
908 N. Second Street
Harrisburg, PA 17102
*PSPE - Pennsylvania Society of Professional Engineers*
158
The Pennsylvania Society of Land Surveyors
10340 Democracy Lane, Suite 300
Fairfax, VA 22030
HOME | Pennsylvania Society of Land Surveyors | Irwin (psls.org)

159
Pennsylvania Funeral Directors Association
7441 Allentown Boulevard
Harrisburg, PA 17112
Home (pfda.org)

160
PA-DE Chapter of the American Society of Landscape Architects
908 North Second Street
Harrisburg, PA 19102
Pennsylvania-Delaware Chapter of the American Society of Landscape Architects (padeasla.org)

161
Pennsylvania Medical Society
400 Winding Creek Boulevard
Mechanicsburg, PA 17050
PAMED - Home page | PAMED (pamedsoc.org)

162
Pennsylvania State Nurses Association
3805 Vartan Way, Suite 203
Harrisburg, PA 17110
Home PSNA | PSNA

163
Pennsylvania Health Care Association
315 North Second Street
Harrisburg, PA 17101
Home | PHCA

164
American Physical Therapy Association - Pennsylvania
2400 Ardmore Boulevard, Suite 302
Pittsburgh, PA 15221
Home (aptapa.org)

165
Pennsylvania Podiatric Medical Association
757 Poplar Church Road
Camp Hill, PA 17011
Pennsylvania Podiatric Medical Association (ppma.org)

166
Pennsylvania Psychological Association
5925 Stevenson Ave, Suite H
Harrisburg, PA 17112
Pennsylvania Psychological Association (papsy.org)

167
National Association of Social Workers – Pennsylvania Chapter
1000 Bent Creek Boulevard, Suite 40
Mechanicsburg, PA 17050
National Association of Social Workers - Pennsylvania Chapter (nasw-pa.org)

168 Pennsylvania Society for Clinical Social Work
PO Box 147
Darby, PA 19023
Welcome to PCSW - Pennsylvania Society for Clinical Social Work

169 Pennsylvania Speech-Language-Hearing Association
700 McKnight Park Drive, Suite 708
Pittsburgh, PA 15237
PSHA – Pennsylvania Speech-Language-Hearing Association

170 Pennsylvania Automotive Association
1925 North Front Street
Harrisburg, PA 17102
Home | PAA - Pennsylvania Automotive Association

171 Pennsylvania Veterinary Medical Association
8574 Paxton Street
Hummelstown, PA 17036
PVMA | Pennsylvania Veterinary Medical Association (pavma.org)

172 Pennsylvania Bar Association
100 South Street
Harrisburg, PA 17101
Pennsylvania Bar Association > Home (pabar.org)

173 Philadelphia Bar Association
1101 Market Street, 11th Floor
Philadelphia, PA 19107
Welcome (philadelphiabar.org)

175 Dauphin County Bar Association
213 North Front Street
Harrisburg, PA 17101
Dauphin County Bar Association (dcba-pa.org)

176 Allegheny County Bar Association
400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Allegheny County Bar Association - Pittsburgh, Pennsylvania (acba.org)
177
Lancaster Bar Association
28 East Orange Street
Lancaster, PA 17602
Lancaster Bar

178
Erie County Bar Association
429 West 6th Street
Erie, PA 16507
Welcome to The Erie County Bar Association - Erie County Bar Association (eriebar.com)

179
Pennsylvania Small Business Development Centers
Kutztown University
15200 Kutztown Road
Kutztown, PA 19530
Pennsylvania Small Business Development Centers (PASBDC) - Free Small Business Consulting with Pennsylvania SBDC

180
MidAtlantic Employers' Association
234 Mall Blvd., Suite G-50
King of Prussia, PA 19406
Your Human Resource Partner | MidAtlantic Employers' Association (meainfo.org)

181
Pennsylvania Workforce Development Association
205 House Avenue, Suite 101
Camp Hill, PA 17011
Home - Pennsylvania Workforce Development Association (pawork.org)

182
Pennsylvania Industrial Resource Center Network
75 Young Street
Hanover Industrial Estates
Hanover Township, PA 18703
PA IRC Network – PA Made – a stronger economy through manufacturing

183
Team Pennsylvania Foundation
240 N. 3rd Street, 2nd Floor
Harrisburg, PA 17101
Team PA Foundation

184
Philadelphia Works
One Penn Center
1617 JFK Boulevard, 13th Floor
Philadelphia, PA 19103

185
MontcoWorks
Human Services Center
1430 DeKalb Street, 5th Floor
Norristown, PA 19401
MontcoWorks | Montgomery County, PA - Official Website (montcopa.org)
Pennsylvania Women Work
Centre City Tower Building
650 Smithfield Street, Suite 520
Pittsburgh, PA 15222
Pennsylvania Women Work - Home (pawomenwork.org)

National Federation of Independent Business
Pennsylvania Small Business Association
225 State St., Suite B
Harrisburg, PA 17101
NFIB in Pennsylvania, Small Business Association

Greater Philadelphia Hispanic Chamber of Commerce
141 E. Hunting Park Avenue
Philadelphia, PA 19124
Philadelphia Hispanic Chamber of Commerce | Philadelphia, PA 19124 - Home (philahispanicchamber.org)

The Manufacturing Alliance of Philadelphia
PO Box 3199
Maple Glenn, PA 19002
Manufacturing online – Manufacturing Partners

U.S. Small Business Administration – Philadelphia District
660 American Ave, Suite 301
King of Prussia, PA 19406
Philadelphia | U.S. Small Business Administration (sba.gov)

U.S. Small Business Administration – Philadelphia District
2601 N. Third St., Suite 503
Harrisburg, PA 17110

U.S. Small Business Administration – Philadelphia District
7 N. Wilkes-Barre Blvd., Suite 4M
Wilkes-Barre, PA 18702

U.S. Small Business Administration – Pittsburgh District
411 7th Ave, Suite 1450
Pittsburgh, PA 15219
Pittsburgh | U.S. Small Business Administration (sba.gov)

Pennsylvania Manufacturers’ Association
225 State Street
Harrisburg, PA 17101
Pennsylvania Manufacturers' Association | (pa-manufacturers.org)
Pennsylvania Apartment Association
One Bala Plaza, Suite 515
Bala Cynwyd, PA 19004
Home | PAA (paahq.com)

Apartment Association of Northwestern Pennsylvania, Inc.
1127 West 38th Street
Erie, PA 16508
Apartment Association of NW PA - Welcome - Apartment Association of NW PA (aptassoc.com)

Pennsylvania Residential Owners Association
2205 Strawberry Square
Harrisburg, PA 17101
Pennsylvania Residential Owners Association - PROA (proassoc.org)

Landlord Association of Pennsylvania
1414 Millard St
Bethlehem, PA 18018
The Landlord Association of Pennsylvania (landlordasscopia.com)

ACRE of Pittsburgh
PO BOX 98070
Pittsburgh, PA 15227
default page (acrepgh.org)

Pennsylvania Housing Law Project
Regional Housing Legal Services
100 5th Avenue, Suite 911
Pittsburgh, PA 15222

Tenant Union Representative Network
100 South Broad Street, Suite 800
Philadelphia, PA 19110
TURN: Tenant Union Representative Network - Home (rturn.net)

Pennsylvania Housing Law Project
Regional Housing Legal Services
2 S. Easton Rd
Glenside, PA 19038
PA Housing Law Project – RHLS

Pennsylvania Restaurant & Lodging Association
100 State Street
Harrisburg, PA 17101
Pennsylvania Restaurant & Lodging Association | Harrisburg, PA 17101 (prla.org)
Pennsylvania Association of Bed & Breakfast Inns
150 Hickorytown Road
Carlisle, PA 17015
Pennsylvania Bed and Breakfast Inns & Farmstays | PABBI (painns.com)

205
Pennsylvania Amusement Parks and Attractions
391 Knoebels Blvd
Elysburg, PA 17824
Pennsylvania Amusement Parks and Attractions | Association for Pennsylvania's Attractions, Amusement Parks and Industry Suppliers (paamusementparks.com)

206
Pennsylvania Bus Association
P.O. Box 597
Easton, PA 18044
Home (pabus.org)

207
Pennsylvania Campground Owners Association
415 Taylor Drive, Suite 302
East Stroudsburg, PA 18301
Pennsylvania Campground Owners Association - PA Campgrounds, Camping Resorts & RV Parks (paoutdoorlodging.com)

208
Citizens for the Arts in Pennsylvania
P.O. Box 1469
Altoona, PA 16601
Citizens for the Arts in PA - Home

209
National Association of Theatres Owners of Pennsylvania
183 Market St
P.O. Box 4
Pillow, PA 17080
NATO of Pennsylvania – Advancing the Moviegoing Experience (natopa.com)

210
Pennsylvania Federation of Museums and Historical Organizations
300 North Street, Room 504
Harrisburg, PA 17120
Home - (pamuseums.org)

211
Pennsylvania Golf Course Owners and Operators Association
P.O. Box 200
Scranton, PA 18504
Pennsylvania Golf Course Owners Association (golfinpa.com)

212
Pennsylvania Ski Areas Association
P.O. Box 27
White Haven, PA 18661
Ski PA - PSAA - About PSAA
Local Human Relations Commissions to Invite to Comment on
Proposed Regulation #52-13

1
Abington Township Human Relations Commission
HRC@AbingtonPA.gov
Human Relations Commission | Abington Township, PA (abingtonpa.gov)

2
Allegheny County Human Relations Commission
920 City-County Building
414 Grant Street
Pittsburgh, PA 15219
Commissions | Human Relations | Allegheny County

3
City of Allentown Human Relations Commission
Allentown City Hall
435 Hamilton Street
Allentown, PA 18101
Human Relations Commission (allentownpa.gov)

4
Ambler Borough Human Relations Commission
Ambler Borough Hall
131 Rosemary Avenue
Ambler, PA 19002
Human Relations Commission (boroughofambler.com)

5
Bethlehem Human Relations Commission
10 East Church Street
Bethlehem, PA 18018
HRC@bethlehem-pa.gov
Home - Bethlehem Human Relations Commission (bethlehemhrc.org)

6
Bloomsburg Human Relations Commission
Town Hall
301 E. Second Street
Bloomsburg, PA 17815
Human Relations Commission | Town of Bloomsburg, PA (bloomsburgpa.org)

7
Bridgeport Borough Human Relations Commission
63 West 4th Street
Bridgeport, PA 19405
Human Relations Commission | Bridgeport PA (bridgeportborough.org)

8
Bristol Borough Human Relations Commission
250 Pond Street
Bristol, PA 19007
Bristol Borough Boards

9
Camp Hill Borough Human Relations Commission
2145 Walnut Street
Camp Hill, PA 17011
Welcome to Camp Hill Borough, PA

10 Borough of Carlisle Human Relations Commission
53 W. South Street
Carlisle, PA 17013
Carlisle, PA (carlislepa.org)

11 Cheltenham Township Human Relations Commission
8230 Old York Road
Elkins Park, PA 19027
Human Relations Commission - Cheltenham PA (cheltenhamtownship.org)

12 Conshohocken Borough Human Relations Commission
400 Fayette Street
Conshohocken, PA 19428
Human Relations Commission | Borough of Conshohocken (conshohockenpa.gov)

13 Crafton Borough Equal Opportunity Board
100 Stotz Avenue
Pittsburgh, PA 15205
Crafton Borough

14 Dickson City Borough Human Relations Commission
901 Enterprise Street
Dickson City, PA 18519
Home - Dickson City Borough (dicksoncity-pa.gov)

15 Dormont Borough Human Relations Commission
1444 Hillsdale Avenue
Pittsburgh, PA 15216
Borough of Dormont | Home

16 Downingtown Borough Human Relations Commission
Municipal Government Center
4 – 10 W. Lancaster Avenue
Downingtown, PA 19335
Downingtown PA |

17 Doylestown Borough Human Relations Commission
10 Doyle Street
Doylestown, PA 18901
Human Relations Commission | The Borough of Doylestown (doylestownborough.net)

18 City of Easton Human Relations Commission
19  
East Norriton Township Human Relations Commission  
2501 Stanbridge Street  
East Norriton, PA 19401  
Human Relations Commission - East Norriton Township, Pennsylvania (eastnorritontwp.org)  

20  
Erie County Human Relations Commission  
Renaissance Center  
1001 State Street, Suite 812  
Erie, PA 16501  
Human Relations Commission - Erie County, PA (eriecountypa.gov)  

21  
Etna Borough Human Relations Commission  
437 Butler Street  
Pittsburgh, PA 15223  
Etna Human Relations Commission (etnaborough.org)  

22  
Gettysburg Borough Human Relations Commission  
Gettysburg Municipal Building  
59 E. High Street  
Gettysburg, PA 17325  

23  
City of Harrisburg Human Relations Commission  
10 N. 2nd Street, Suite 303  
Harrisburg, PA 17101  
Human Relations Commission - City of Harrisburg (harrisburgpa.gov)  

24  
Hatboro Borough Human Relations Commission  
414 S. York Road  
Hatboro, PA 19040  
Home - Borough of Hatboro (myhatboro.org)  

25  
Haverford Township Human Relations Commission  
Township Building  
1014 Darby Road  
Havertown, PA 19083  
Boards & Commissions | The Township of Haverford, PA (haverfordtownship.org)  

26  
Huntingdon Borough Human Relations Commission  
530 Washington Street  
PO Box 592  
Huntingdon, PA 16652  
Borough of Huntingdon (huntingdonboro.com)
27  Jenkintown Borough Human Relations Commission  
700 Summit Avenue  
Jenkintown, PA 19046  
Officials and Committees - Jenkintown Borough

28  Kennett Square Human Relations Commission  
120 Marshall Street  
Kennett Square, PA 19348  
Borough of Kennett Square

29  Lancaster City Human Relations Commission  
PO Box 993  
Lancaster, PA 17608  
Lancaster City Human Relations Commission | City of Lancaster, PA (cityoflancasterpa.com)

30  Lansdale Borough Human Relations Commission  
One Vine Street, Suite 201  
Lansdale, PA 19446  
Human Relations Commission | Lansdale Borough, PA - Official Website

31  Lansdowne Borough Human Relations Commission  
12 E. Baltimore Avenue  
Lansdowne, PA 19050  
Human Relations Commission | Lansdowne Borough, PA

32  Lower Gwynedd Township Human Relations Commission  
1130 N. Bethlehem Pike  
Spring House, PA 19477  
Boards & Commissions | Lower Gwynedd Township

33  Lower Merion Township Human Relations Commission  
75 E. Lancaster Avenue  
Ardmore, PA 19003  
Human Relations Commission | Lower Merion Township, PA

34  Middletown Human Relations Commission  
3 Municipal Way  
Langhorne, PA 19047  
Human Relations Commission | Middletown Township | Bucks County | PA (middletownbucks.org)

35  Monessen Human Relations Commission  
575 Donner Avenue  
Monessen, PA 15062  
Boards – Welcome to City of Monessen

36  Montgomery Township Human Relations Commission
1001 Stump Road
Montgomeryville, PA 18936
Human Relations Commission / Montgomery Township, PA (montgomerytwp.org)

37
Mt. Lebanon Community Relations Board
710 Washington Road
Pittsburgh, PA 15228
Community Relations Board | Mt. Lebanon, PA - Official Website (mtlebanon.org)

38
Narberth Human Relations Commission
100 Conway Avenue
Narberth, PA 19072
Narberth Borough – The official website for the Borough of Narberth, Montgomery County, Pennsylvania (narberthpa.gov)

39
Newtown Borough Human Relations Commission
23 North State Street
Newtown, PA 18940
Welcome to the Borough of Newtown Pennsylvania - Boards & Committees

40
Newtown Township Human Relations Commission
100 Municipal Drive
Newtown, PA 18940
Human Relations Commission – Newtown Township: Bucks County, Pennsylvania (newtownpa.gov)

41
New Hope Borough Human Relations Commission
123 New Street
New Hope, PA 18938
Human Relations Commission | New Hope Borough, PA

42
Norristown Human Relations Commission
235 E. Airy Street
Norristown, PA 19401
Human Relations Commission | Norristown, PA

43
North Wales Borough Human Relations Commission
300 School Street
North Wales, PA 19454
Human Relations Commission – Borough of North Wales (northwalesborough.org)

44
Philadelphia Commission on Human Relations
601 Walnut Street, Suite 300 South
Philadelphia, PA 19106
Philadelphia Commission on Human Relations | Homepage | City of Philadelphia

45
Phoenixville Human Relations Commission
351 Bridge Street
Phoenixville, PA 19460
Human Relations Commission | Phoenixville Borough, PA

46
Pittsburgh Commission on Human Relations
414 Grant Street
Pittsburgh, PA 15219
Commission on Human Relations - AFFH Taskforce, Commission Meetings, Our Staff, Education and Resources, Contact the PghCHR (pittsburghpa.gov)

47
Pittston Human Relations Commission
35 Broad Street
Pittston, PA 18640
Human Relations Commission - City of Pittston (pittstoncity.org)

48
Plymouth Township Human Relations Commission
700 Belvoir Road
Plymouth Meeting, PA 19462
Human Relations Commission – Plymouth Township

49
Reading Human Relations Commission
815 Washington Street
Reading, PA 19601
Kimberly.Talbot@readingpa.gov
Human Relations Commission (readingpa.gov)

50
Ross Equal Opportunity Board
1000 Ross Municipal Drive
Pittsburgh, PA 15237
Equal Opportunity Board | Ross Township, PA

51
Royersford Borough Human Relations Board
300 Main Street
Royersford, PA 19468
Human Relations Board - Royersford Borough

52
Scranton Human Relations Commission
340 N. Washington Avenue
Scranton, PA 18503
Human Relations Commission – City of Scranton (scranonpa.gov)

53
Sharpsburg Borough Human Rights Commission
1611 Main Street
Pittsburgh, PA 15215
Sharpsburg Borough, Pennsylvania | United States
54  
Shippensburg Borough Human Relations Commission  
111 N. Fayette Street  
PO Box 129  
Shippensburg, PA 17257  
Shippensburg Borough News

55  
Springfield Township Human Relations Commission  
50 Powell Road  
Springfield, PA 19064  
Home | Springfield (springfielddelco.org)

56  
State College Human Relations Commission  
243 S. Allen Street  
State College, PA 16801  
Human Relations Commission | State College, PA - Official Website (statecollegepa.us)

57  
Stroudsburg Borough Human Relations Commission  
700 Sarah Street  
Stroudsburg, PA 18360  
Boards and Commissions Human Relations Commission (stroudsburgboro.com)

58  
Susquehanna Township Human Relations Commission  
1900 Linglestown Road  
Harrisburg, PA 17110  
Human Relations Commission | Susquehanna PA (susquehannatwp.com)

59  
Swarthmore Borough Human Relations Commission  
121 Park Avenue  
Swarthmore, PA 19081  
Human Relations Commission | Swarthmore Borough, PA - Official Website (swarthmorepa.org)

60  
Upper Dublin Township Human Relations Commission  
370 Commerce Drive  
Fort Washington, PA 19034  
Human Relations Commission | Upper Dublin Township

61  
Upper Gwynedd Township Human Relations Commission  
1 Parkside Place  
North Wales, PA 19454  
Human Relations Commission | Upper Gwynedd PA

62  
Upper Merion Township Human Relations Commission  
175 West Valley Forge Road  
King of Prussia, PA 19406  
Human Relations Commission – Upper Merion Township (umtownship.org)
63
Upper Moreland Township Human Relations Commission
117 Park Avenue
Willow Grove, PA 19090
Human Relations Commission | Upper Moreland Township, PA

64
West Chester Borough Human Relations Commission
401 East Gay Street
West Chester, PA 19380
Human Relations Commission | West Chester Borough, PA - Official Website (west-chester.com)

65
West Conshohocken Borough Human Relations Commission
112 Ford Street
West Conshohocken, PA 19428
West Conshohocken Borough

66
West Norriton Township Human Relations Commission
1630 W. Marshall Street
Jeffersonville, PA 19403
Human Relations Commission | West Norriton Township, PA - Official Website (westnorritontwp.org)

67
Whitemarsh Township Human Relations Commission
616 Germantown Pike
Lafayette Hill, PA 19444
Human Relations Commission | Whitemarsh Township, PA - Official Website (whitemarshtwp.org)

68
Whitpain Township Human Relations Commission
960 Wentz Road
Blue Bell, PA 19422
Human Relations Commission | Whitpain Township, PA

69
Wilkes-Barre Human Relations Commission
40 East Market Street
Wilkes-Barre, PA 18711
Human Relations Commission | wilkesbarrepa (wilkes-barre.city)

70
Yardley Borough Human Relations Commission
56 South Main Street
Yardley, PA 19067
Elected Officials, Boards & Committees — Yardley Borough

71
City of York Human Relations Commission
101 S. George Street
York, PA 17401
Human Relations Commission - City of York, Pennsylvania (yorkcity.org)
 ANNEX A
TITLE 16. COMMUNITY AFFAIRS
PART II. GOVERNOR'S OFFICE
Subpart A. HUMAN RELATIONS COMMISSION
CHAPTER 41. PRELIMINARY PROVISIONS
Subchapter D. PROTECTED CLASSES

§ 41.201 Purpose.

This subpart ensures that all unlawful discriminatory practices proscribed by the Pennsylvania Human Relations Act and all unfair educational practices proscribed by the Pennsylvania Fair Educational Opportunities Act are interpreted and applied consistently. This subpart also ensures that all complaints filed with the Pennsylvania Human Relations Commission are investigated consistent with the rules outlined herein.

§ 41.202 Construction.

[(a) This subpart shall be construed liberally for the accomplishment of the purposes of the Pennsylvania Human Relations Act and the Pennsylvania Fair Educational Opportunities Act.

[(b) This subpart shall be interpreted consistently with other Federal and State laws and regulations except when to do so would result in a narrow interpretation of the Pennsylvania Human Relations Act or the Pennsylvania Fair Educational Opportunities Act.]

§ 41.203 Enforcement.

This subpart shall be subject to and enforced in accordance with the Pennsylvania Human Relations Act, the Pennsylvania Fair Educational Opportunities Act, 16 Pa. Code Chapter 42 (relating to special rules of administrative practice and procedure) and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

§ 41.204 Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

*Affectional or sexual orientation* – male, female, or nonbinary heterosexuality, homosexuality, bisexuality, or asexuality by inclination, practice, identity, or expression, having a history thereof, or being perceived, presumed, or identified by others as having such an orientation.
**Asexuality** – the lack of sexual attraction to others, or low or absent interest in or desire for sexual or romantic activity.

**Bisexuality** – affectional, emotional, or physical attraction or behavior which is directed towards persons of either gender.

**Complaint** – a complaint filed with the Pennsylvania Human Relations Commission pursuant to the PHRA or the PFEOA.

**Complainant** – any person, including the PHRC or the Attorney General, who files a complaint with the PHRC pursuant to the PHRA or the PFEOA.

**Core identity** – attributes that make a person unique as an individual such as fundamental beliefs and values, personal characteristics, and physical or mental attributes.

**Ethnic characteristics** – physical characteristics such as skin and hair color, body size, and facial features typical of persons of a particular cultural or social background; linguistic characteristics such as language or dialect; behavioral or cultural characteristics such as religion or customs; environmental characteristics such as living in the same area or region.

**Gender identity or expression** – having or being perceived as having a gender-related identity, appearance, expression, or behavior, which may or may not be stereotypically associated with the person’s sex assigned at birth. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person’s core identity.

**Heterosexuality** – affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the other gender.

**Homosexuality** – affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the same gender.

**Intersex** – describes a person born with sex characteristics that are not typical for male or female bodies. Sex characteristics are physical features relating to sex, including chromosomes, genitals, hormones, and other reproductive anatomy.

**Person** – has the same meaning as Section 4(a) of the PHRA (43 P.S. § 954(a)).

**PFEOA** – the Pennsylvania Fair Educational Opportunities Act (24 P.S. §§ 5001-5010).

**PHRA** – the Pennsylvania Human Relations Act (43 P.S. §§ 951-963).

**PHRC** – the Pennsylvania Human Relations Commission.
Pregnancy includes the use of assisted reproductive technology; the state of being in gestation; childbirth; breastfeeding; the postpartum period after childbirth; and medical conditions related to pregnancy.

Religious Beliefs includes (1) moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views and (2) the beliefs a complainant professes without regard to whether a religious group espouses such beliefs.

Respondent the person against whom a complaint was filed with the PHRC pursuant to the PHRA or the PFEOA.

Sex assigned at birth the assignment and classification of individuals at birth, including but not limited to male, female, or intersex.

Traits associated with race includes, but is not limited to, hair texture and protective hairstyles, such as braids, locks, and twists.

§ 41.205. Religious creed discrimination.

(a) The term religious creed, as used in the PHRA and the PFEOA, includes all aspects of religious observance, practice, [as well as] or belief.

(b) The term religious creed, as used in the PHRA and the PFEOA, includes the failure to provide a reasonable accommodation for a religious observance or practice. [Religious beliefs include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views. The fact that no group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not accept such belief will not determine whether the belief is a religious belief of a complainant.]

(c) An employer, housing provider, public accommodation, or person covered under the PHRA may assert an undue hardship defense to the request for a reasonable accommodation. [This section is not intended to be exhaustive. However, the term religious creed, as used in the PHRA and the PFEOA, should be interpreted consistent with this section.]

(d) Undue hardship may be established by showing that the requested accommodation poses more than a de minimis cost or burden on the employer, housing provider, public accommodation, or person covered under the PHRA.

§ 41.206. Sex discrimination.
The term sex, as used in the PHRA and the PFEOA, includes:

(a) **Pregnancy:** (The term sex, when used in connection with the unlawful discriminatory practices proscribed by the PHRA, includes, but is not limited to, the following:

1. Pregnancy, including medical conditions related to pregnancy.
2. Childbirth, including medical conditions related to childbirth.
3. Breastfeeding, including medical conditions related to breastfeeding.
4. Sex assigned at birth, including, but not limited to, male, female, or intersex.
5. A person’s gender, including a person’s gender identity or gender expression.
   (i) Gender identity or expression means having or being perceived as having a gender-related identity, appearance, expression, or behavior, which may or may not be stereotypically associated with the person’s sex assigned at birth.
   (ii) Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is sincerely held as part of a person’s core identity.
6. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality, and asexuality.
   (i) Affectional or sexual orientation means male, female, or nonbinary heterosexuality, homosexuality, bisexuality, or asexuality by inclination, practice, identity, or expression, having a history thereof, or being perceived, presumed, or identified by others as having such an orientation.
   (ii) Heterosexuality means affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the other gender.
   (iii) Homosexuality means affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the same gender.
Bisexuality means affectional, emotional, or physical attraction or behavior which is directed towards persons of either gender.

Asexuality means the lack of sexual attraction to others, or low or absent interest in or desire for sexual or romantic activity.

Differences of sex development, variations of sex characteristics, or other intersex characteristics.

Sex assigned at birth: [The term sex, when used in connection with the unfair educational practices proscribed by the PFEOA, includes, but is not limited to, the following:

1. Pregnancy, including medical conditions related to pregnancy.
2. Childbirth, including medical conditions related to childbirth.
3. Breastfeeding, including medical conditions related to breastfeeding.
4. Sex assigned at birth, including, but not limited to, male, female, or intersex.
5. A person's gender, including a person's gender identity or gender expression.
   i. Gender identity or expression means having or being perceived as having a gender-related identity, appearance, expression, or behavior, which may or may not be stereotypically associated with the person's sex assigned at birth.
   ii. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is sincerely held as part of a person's core identity.
6. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality, and asexuality.
   i. Affectional or sexual orientation means male, female, or nonbinary heterosexuality, homosexuality, bisexuality, or asexuality by inclination, practice, identity, or expression, having a history thereof, or being perceived, presumed, or identified by others as having such an orientation.
   ii. Heterosexuality means affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the other gender.
(iii) Homosexuality means affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the same gender.

(iv) Bisexuality means affectional, emotional, or physical attraction or behavior which is directed towards persons of either gender.

(v) Asexuality means the lack of sexual attraction to others, or low or absent interest in or desire for sexual or romantic activity.

(7) Differences of sex development, variations of sex characteristics, or other intersex characteristics.

(c) Gender, including a person's gender identity or gender expression. [This section is not intended to be exhaustive. However, the term sex, as used in the PHRA and the PFEOA, should be interpreted consistent with this section.]

(d) Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality, and asexuality.

(e) Differences of sex development, variations of sex characteristics, or other intersex characteristics.

§ 41.207. Race discrimination.

The term race, as used in the PHRA and the PFEOA, includes:

(a) Ancestry, national origin, or ethnic characteristics. [The term race, when used in connection with the unlawful discriminatory practices proscribed by the PHRA, includes, but is not limited to, the following:

(1) Ancestry, national origin, or ethnic characteristics;

(2) Interracial marriage or association;

(3) Traits historically associated with race, including, but not limited to:

(i) Hair texture;

(ii) Protective hairstyles, such as braids, locks, and twists;

(4) Persons of Hispanic national origin or ancestry, including, but not limited to, persons of Mexican, Puerto Rican, Central or South American, or other Spanish origin or culture.
(5) Persons of any other national origin or ancestry as specified by a complainant in a complaint.]

(b) **Interracial marriage or association:** [The term race, when used in connection with the unfair educational practices proscribed by the Pennsylvania Fair Educational Opportunities Act, includes, but is not limited to, the following:

1. Ancestry, national origin, or ethnic characteristics;
2. Interracial marriage or association;
3. Traits historically associated with race, including, but not limited to:
   i. Hair texture;
   ii. Protective hairstyles, such as braids, locks, and twists;
4. Persons of Hispanic national origin or ancestry, including, but not limited to, persons of Mexican, Puerto Rican, Central or South American, or other Spanish origin or culture.
5. Persons of any other national origin or ancestry as specified by a complainant in a complaint.]

(c) **Traits associated with race:** [This section is not intended to be exhaustive. However, the term race, as used in the PHRA and the PFEOA, should be interpreted consistent with this section.]

(d) **Hispanic ancestry, national origin, or ethnic characteristics, including, but not limited to, persons of Mexican, Puerto Rican, Central or South American, or other Spanish origin or culture.**
Via Electronic Mail
David Sumner, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Final Regulation – Pennsylvania Human Relations Commission,
16 Pa. Code §§ 41.201-41.207 – Protected Classes

Dear Mr. Sumner:

Enclosed in a copy of a final rulemaking package of the Pennsylvania Human Relations Commission pertaining to protected classes under the PHRA and the PFEOA.

PHRC will be pleased to provide any information the Independent Regulatory Review Commission may require during the course of its review of the rulemaking.

Thank you for your consideration.

Sincerely,

/s/ Lisa M. Knight

Lisa M. Knight
Commission Counsel

Enclosures
Good Afternoon,

The Pennsylvania Human Relations Commission delivered Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes) yesterday, October 17, 2022. However, upon notification from IRRC, the Final-Form Regulation package that was delivered on October 17, 2022 did not have Annex A formatted properly. By way of this email, the Pennsylvania Human Relations Commission is re-delivering Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes) with Annex A properly formatted. PHRC appreciates your acceptance of this Final-Form Regulation through electronic delivery.

Please provide written confirmation that this Final-Form Regulation was received by responding to this email. PHRC will re-deliver the Final-Form Regulation to RRC today, October 18, 2022, upon receipt of your written confirmation.

Thank you for your consideration.

Lisa
From: Michaele Totino
To: Knight, Lisa <liknight@pa.gov>
Cc: DeStefano, Damian <dadestefan@pa.gov>
Subject: Final-Form Regulation #52-13 - Protected Classes Under the PHRA and PFEOA
Date: Tuesday, October 18, 2022 12:32 PM

I can accept delivery electronically today, October 18, 2022.

Thanks
Michaele

From: Knight, Lisa <liknight@pa.gov>
Sent: Tuesday, October 18, 2022 12:32 PM
To: Michaele Totino <Mtotino@pahousegop.com>
Cc: DeStefano, Damian <dadestefan@pa.gov>
Subject: Final-Form Regulation #52-13 - Protected Classes Under the PHRA and PFEOA

Good Afternoon,

The Pennsylvania Human Relations Commission delivered Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes) yesterday, October 17, 2022. However, upon notification from IRRC, the Final-Form Regulation package that was delivered on October 17, 2022 did not have Annex A formatted properly. By way of this email, the Pennsylvania Human Relations Commission is re-delivering Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes) with Annex A properly formatted. PHRC appreciates your acceptance of this Final-Form Regulation through electronic delivery.

Please provide written confirmation that this Final-Form Regulation was received by responding to this email. PHRC will re-deliver the Final-Form Regulation to IRRC today, October 18, 2022, upon receipt of your written confirmation.

Thank you for your consideration.

Lisa

Lisa M. Knight | Commission Counsel
PA Human Relations Commission
110 North 8th Street | Suite 501
Philadelphia, PA 19107
Phone: 215.965.7702 | Fax: 215.560.3682
www.phrc.pa.gov

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From: Kratz, Eric
To: Knight, Lisa
Cc: DeStefano, Damian
Subject: RE: Final-Form Regulation:52-13 - Protected Classes Under the PHRA and PFEOA
Date: Tuesday, October 18, 2022 2:08:13 PM

Lisa,

Confirming receipt of this regulation.

Best,
Eric

---

From: Knight, Lisa <liknight@pa.gov>
Sent: Tuesday, October 18, 2022 12:32 PM
To: Kratz, Eric <ekratz@pasen.gov>
Cc: DeStefano, Damian <dadestefan@pa.gov>
Subject: Final-Form Regulation #52-13 - Protected Classes Under the PHRA and PFEOA

--- CAUTION : External Email ---

Good Afternoon,

The Pennsylvania Human Relations Commission delivered Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes) yesterday, October 17, 2022. However, upon notification from IRRC, the Final-Form Regulation package that was delivered on October 17, 2022 did not have Annex A formatted properly. By way of this email, the Pennsylvania Human Relations Commission is re-delivering Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes) with Annex A properly formatted. PHRC appreciates your acceptance of this Final-Form Regulation through electronic delivery.

Please provide written confirmation that this Final-Form Regulation was received by responding to this email. PHRC will re-deliver the Final-Form Regulation to IRRC today, October 18, 2022, upon receipt of your written confirmation.

Thank you for your consideration.
Good Afternoon,

I am following-up to confirm receipt of the delivery of the final-form regulation. PHRC needs to submit the confirmation of receipt to IRRC today.

Thanks,

Lisa

Lisa M. Knight | Commission Counsel
PA Human Relations Commission
110 North 8th Street | Suite 501
Philadelphia, PA 19107
Phone: 215.965.7702 | Fax: 215.560.3682
www.phrc.pa.gov

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From: Knight, Lisa
Sent: Tuesday, October 18, 2022 12:32 PM
To: Kathy.Benton@pasenate.com
Cc: DeStefano, Damian <dadestefan@pa.gov>
Subject: Final-Form Regulation #52-13 - Protected Classes Under the PHRA and PFEOA

Good Afternoon,

The Pennsylvania Human Relations Commission delivered Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes) yesterday, October 17, 2022. However, upon notification from IRRC, the Final-Form Regulation package that was delivered on October 17, 2022 did not have Annex A formatted properly. By way of this email, the Pennsylvania Human Relations
Commission is re-delivering Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes) with Annex A properly formatted. PHRC appreciates your acceptance of this Final-Form Regulation through electronic delivery.

Please provide written confirmation that this Final-Form Regulation was received by responding to this email. PHRC will re-deliver the Final-Form Regulation to IRRC today, October 18, 2022, upon receipt of your written confirmation.

Thank you for your consideration.

Lisa

Lisa M. Knight | Commission Counsel
PA Human Relations Commission
110 North 8th Street | Suite 501
Philadelphia, PA 19107
Phone: 215.965.7702 | Fax: 215.560.3682
www.phrc.pa.gov

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Confirmed on our end

Nicholas Himebaugh
Committee Executive Director
House Democratic State Government Committee
C: 484-686-3281

***************

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On Oct 17, 2022, at 3:05 PM, Knight, Lisa <lknight@pa.gov> wrote:

Good Afternoon,

I am following up to confirm receipt of the delivery of the final-form regulation. PHRC needs to submit the confirmation of receipt to IRRC today.

Thanks,

Lisa

Lisa M. Knight | Commission Counsel
PA Human Relations Commission
110 North 8th Street; | Suite 501
Philadelphia, PA 19107
Phone: 215.965.7702 | Fax: 215.560.3682
www.phrc.pa.gov

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From: Knight, Lisa
Sent: Monday, October 17, 2022 12:42 PM
To: nhimebaugh@pahouse.net  
Cc: DeStefano, Damian <dadestefan@pa.gov>  
Subject: Final-Form Regulation #52-13 - Protected Classes Under the PHRA and PFEOA  
Importance: High

Good Afternoon,

By way of this email, the Pennsylvania Human Relations Commission is delivering Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 - Protected Classes). The Pennsylvania Human Relations Commission appreciates your acceptance of this Final-Form Regulation through electronic delivery.

Please provide written confirmation that this Final-Form Regulation was received by responding to this email. PHRC will deliver the Final-Form Regulation to IRRC today, October 17, 2022, upon receipt of your written confirmation.

Thank you for your consideration.

Lisa

Lisa M. Knight | Commission Counsel  
PA Human Relations Commission  
110 North 8th Street | Suite 501  
Philadelphia, PA 19107  
Phone: 215.965.7702 | Fax: 215.560.3682  
www.phrc.pa.gov

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From: Knight, Lisa
To: Benton, Kathy
Cc: DeStefano, Damian
Subject: Final-Form Regulation #52-13 - Protected Classes Under the PHRA and PFEOA
Date: Monday, October 17, 2022 12:43 PM

Good Afternoon,

By way of this email, the Pennsylvania Human Relations Commission is delivering Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes). The Pennsylvania Human Relations Commission appreciates your acceptance of this Final-Form Regulation through electronic delivery.

Please provide written confirmation that this Final-Form Regulation was received by responding to this email. PHRC will deliver the Final-Form Regulation to IRRC today, October 17, 2022, upon receipt of your written confirmation.

Thank you for your consideration.

Lisa

Lisa M. Knight | Commission Counsel
PA Human Relations Commission
110 North 8th Street | Suite 501
Philadelphia, PA 19107
Phone: 215.965.7702 | Fax: 215.560.3682
www.phrc.pa.gov

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This email will confirm my receipt of this regulation.

Best,
Eric

Eric Kratz
Executive Director | Senate Labor and Industry Committee
Senator Camera Bartolotta
19 East Wing | Harrisburg, PA 17120
Phone: 717.783.6832 | Cell: 717-215-1259
ekratz@pasen.gov
www.senatorbartolotta.com

From: Knight, Lisa <liknight@pa.gov>
Sent: Monday, October 17, 2022 12:43 PM
To: Kratz, Eric <ekratz@pasen.gov>
Cc: DeStefano, Damian <dadestefan@pa.gov>
Subject: Final-Form Regulation #52-13 - Protected Classes Under the PHRA and PFEOA
Importance: High

Good Afternoon,

By way of this email, the Pennsylvania Human Relations Commission is delivering Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes). The Pennsylvania Human Relations Commission appreciates your acceptance of this Final-Form Regulation through electronic delivery.

Please provide written confirmation that this Final-Form Regulation was received by responding to this email. PHRC will deliver the Final-Form Regulation to IRRC today, October 17, 2022, upon receipt of your written confirmation.

Thank you for your consideration.

Lisa
From: "Michaele Totino"
To: "Knight, Lisa"
Cc: "DeStefano, Damian"
Subject: RE: Final-Form Regulation #52-13 - Protected Classes Under the PHRA and PFEOA
Date: Monday, October 17, 2022 12:45:52 PM

Lisa:

I accept electronic delivery of this final-form regulation today, Monday, October 17, 2022.

Thank you.

Sincerely,
Michaele

Michael A. Totino
Counsel & Executive Director
State Government Committee
Rm 131 Ryan Office Building
Pennsylvania House of Representatives
717-260-6485

From: Lisa Knight <lknight@pa.gov>
Sent: Monday, October 17, 2022 12:42 PM
To: Michaele Totino <mtotino@pahousegop.com>
Cc: DeStefano, Damian <dadestefan@pa.gov>
Subject: Final-Form Regulation #52-13 - Protected Classes Under the PHRA and PFEOA
Importance: High

Good Afternoon,

By way of this email, the Pennsylvania Human Relations Commission is delivering Final-Form Regulation #52-13 (16 Pa. Code Sections 41.201 – 41.207 – Protected Classes). The Pennsylvania Human Relations Commission appreciates your acceptance of this Final-Form Regulation through electronic delivery.

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Lisa