

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1020 Session of
1975

INTRODUCED BY A. P. KELLY, SALVATORE, BARBER, TOLL, OLIVER,
HILL, M. E. MILLER JR., ROSS, VANN, GIAMMARCO, JOHNSON, REED,
RUGGIERO, MYERS, HAMILTON, McLANE, WANSACZ, USTYNOSKI,
CESSAR, FAWCETT, McCLATCHY, TADDONIO, CIMINI, GRIECO,
MISCEVICH, BERLIN, CRAWFORD AND WAGNER, APRIL 15, 1975

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 16, 1975

AN ACT

1 Providing for sheltered workshops for physically and mentally
2 handicapped persons; imposing additional duties on the Bureau
3 of Vocational Rehabilitation in the Department of Labor and
4 Industry and prescribing its powers and duties; and making an
5 appropriation.

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

8 Section 1. Short Title.--This act shall be known and may be
9 cited as the "Sheltered Employment Act."

10 Section 2. Declaration of Policy.--It is the public policy
11 of the Commonwealth of Pennsylvania to assist and encourage
12 handicapped individuals to attain their maximum usefulness and
13 self-sufficiency, and to make adequate provision for services
14 toward these ends. The Commonwealth believes that sheltered
15 employment for handicapped individuals should at all times
16 provide handicapped individuals with a sense of dignity and
17 self-worth, and to this end it shall be public policy to reduce
18 the work-related expenses of sheltered workshop employees for

1 the purpose of easing their financial burden. This policy should
2 be carried out by a Bureau of Vocational Rehabilitation which
3 shall adopt and enforce workshop standards necessary for the
4 welfare of the handicapped, provide certain work-related
5 services for handicapped individuals employed in sheltered
6 workshops which are approved by the bureau and encourage and aid
7 in the expansion and development of adequate sheltered
8 employment.

9 Section 3. Definitions.--The following words and phrases
10 when used in this act shall have, unless the context clearly
11 indicates otherwise, the meanings given to them in this section:

12 "Bureau." The Bureau of Vocational Rehabilitation in the
13 Department of Labor and Industry.

14 "Certified." Certified by the Wage and Hour Division, United
15 States Department of Labor in accordance with the Federal Fair
16 Labor Standards Act of 1938 (52 Stat. 1068) as amended.

17 "Director." The director of the Bureau of Vocational
18 Rehabilitation.

19 "Handicapped individual." An individual who is physically or
20 mentally handicapped.

21 "Sheltered employment." Employment in a workshop setting for
22 handicapped individuals who are unable due to a physical or
23 mental limitation to engage in work in the competitive labor
24 market or who cannot be readily absorbed by that market.

25 "Sheltered workshop." A rehabilitation facility or that part
26 of a rehabilitation facility engaged in a production or service
27 operation which is operated for the purpose of providing gainful
28 employment and other professional services for those handicapped
29 individuals who cannot be readily absorbed in the competitive
30 labor market. Wherever sheltered workshop is referred to in this

1 act, it shall include work activities centers.

2 "Sheltered workshop employee." A physically or mentally
3 handicapped individual employed by a sheltered workshop but does
4 not include handicapped individuals employed as facility staff.

5 "Work activities center." A sheltered workshop or a
6 physically separated department of a sheltered workshop planned
7 and designed exclusively to provide therapeutic activities for
8 handicapped workers whose physical or mental impairment is so
9 severe as to make their productive capacity inconsequential.
10 Therapeutic activities include any purposeful activity so long
11 as work or production is not the main purpose.

12 Section 4. Bureau of Vocational Rehabilitation Duties.--The
13 bureau shall perform the following functions:

14 (1) Adopt and enforce standards for sheltered workshops
15 utilized by State agencies to insure that such facilities are
16 organized and administered so as to effectively achieve stated
17 goals and to provide quality services to handicapped persons.

18 (2) Adopt and enforce rules and regulations to carry out the
19 provisions of this act.

20 (3) Exercise supervision over all sheltered workshops to
21 insure that wages paid to handicapped workers in sheltered
22 employment, which are lower than the applicable minimum wage,
23 are commensurate with wages paid non-handicapped workers in the
24 vicinity for essentially the same type, quality, and quantity of
25 work in accordance with requirements established under section
26 14(d) of the Federal Fair Labor Standards Act of 1938 (52 Stat.
27 1068) and other provisions of Federal law, including amendments
28 and regulations adopted pursuant thereto.

29 (4) In coordination with Federal and other State agencies,
30 insure proper certification of all workshops in accordance with

1 Federal Fair Labor Standards Act, as amended.

2 (5) In compliance with the Rehabilitation Act of 1973
3 (P.L.93-112, 87 Stat. 355) to determine and respond to the need
4 for additional vocational rehabilitation services and facilities
5 in this Commonwealth. The bureau shall submit its findings and
6 recommendations to the General Assembly within 24 months after
7 the effective date of this act. This report shall include
8 information relative to the degree of utilization of facilities,
9 the quality of services being provided, the need for additional
10 services and the means and methods by which vocational
11 rehabilitation services can be expanded.

12 (6) Coordinate activities with Federal and other State
13 agencies involved in sheltered workshop programs.

14 (7) Administer, in coordination with established and
15 properly certified private nonprofit sheltered workshops, a
16 program to provide funds for one lunch per working day for each
17 person in sheltered employment. This program shall not apply to
18 State agency-sponsored clients in an Evaluation and/or Training
19 Program, nor shall it include persons employed in workshops in
20 State institutions. The bureau shall contract with individual
21 workshops for the furnishing of such food and may, subject to an
22 appropriation, expend for said purpose such sum, or sums, not to
23 exceed \$350 per year for each handicapped employee of which no
24 more than 10% shall be expended for administrative or other
25 expenses incurred by the workshop in providing this service.
26 Methods of expending such funds shall be subject to approval by
27 the bureau.

28 (8) Conduct periodic audits of expenditures of lunch funds
29 by sheltered workshops.

30 (9) Administer, in coordination with established and

1 properly certified private nonprofit sheltered workshops, a
2 program to provide funds for transportation from a sheltered
3 workshop employee's residence to the place of employment and
4 from the place of employment to sheltered workshop employee's
5 residence. This program shall not apply to State agency-
6 sponsored clients in an Evaluation and/or Training Program nor
7 shall it include persons employed in workshops in State
8 institutions. The bureau shall contract with individual
9 workshops for the furnishing of such transportation, and may,
10 subject to an appropriation, expend for said purpose such sum or
11 sums, not to exceed \$275 per year for each handicapped employee
12 of which no more than 10% shall be expended for administrative
13 expenses incurred by the workshop in providing this service.
14 Methods of expending such funds shall be subject to approval by
15 the bureau.

16 (10) Conduct periodic audits of expenditures of
17 transportation funds by sheltered workshops.

18 Section 5. Appropriation.--(a) The sum of \$4,375,000, or as
19 much thereof as may be necessary, is hereby specifically
20 appropriated to the Bureau of Vocational Rehabilitation for
21 carrying out the provisions of this act, said appropriation to
22 be effective 120 days after the effective date of this act.

23 (b) The sum of \$266,500 is hereby specifically appropriated
24 to the Bureau of Vocational Rehabilitation for administrative
25 expenses incurred by the bureau, said appropriation to be
26 effective immediately.

27 Section 6. Repealer.--(a) Section 901 of the act of June 13,
28 1967 (P.L.31, No.21), known as the "Public Welfare Code," is
29 repealed in so far as it is inconsistent with this act.

30 (b) All acts or parts of acts inconsistent with the

1 provisions of this act are repealed to the extent of the
2 inconsistency.

3 Section 7. Effective Date.--This act shall take effect
4 immediately, but shall not be applied to any workshop for a
5 period of 120 days after the effective date of this act.