

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 364 Session of 2011

INTRODUCED BY KITCHEN, FONTANA, STACK, COSTA, BOSCOLA, WILLIAMS,
RAFFERTY, FERLO AND BROWNE, FEBRUARY 1, 2011

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 1, 2011

AN ACT

1 Providing for green work force training and for a transfer of
2 funding.

3 The Commonwealth of Pennsylvania hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Green Work
6 Force Training Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Applicant." An eligible entity that applies for a grant
12 under section 3.

13 "Area vocational-technical schools and technical institutes."
14 As used under Article XVIII of the act of March 10, 1949 (P.L.
15 30, No.14), known as the Public School Code of 1949.

16 "Authority." The Commonwealth Financing Authority.

17 "Community college." As defined in section 2001-C of the act
18 of March 10, 1949 (P.L.30, No.14), known as the Public School

1 Code of 1949.

2 "Crime of violence." As defined in 42 Pa.C.S. § 9714(g)
3 (relating to sentences for second and subsequent offenses).

4 "Department." The Department of Labor and Industry of the
5 Commonwealth.

6 "Educational institution." Any of the following:

7 (1) An area vocational-technical school and technical
8 institute.

9 (2) A community college.

10 (3) A junior college.

11 (4) An intermediate unit.

12 (5) A private licensed school.

13 (6) An independent institution of higher education.

14 (7) A State-owned institution of higher education.

15 (8) A State-related institution of higher education.

16 "Eligible entity." An educational institution or a labor
17 organization.

18 "Eligible individual." Any of the following who is a
19 resident of this Commonwealth:

20 (1) An individual who is an employee of an industry
21 impacted by Federal and State energy and environmental
22 policy.

23 (2) An individual in need of updated training related to
24 the energy efficiency and renewable energy industries.

25 (3) A veteran or a past or present member of a reserve
26 component of the Armed Forces.

27 (4) An unemployed individual.

28 (5) A low-income individual.

29 (6) A formerly incarcerated or adjudicated nonviolent
30 offender.

1 "Eligible industry." An energy efficiency or renewable
2 energy industry, including:

3 (1) The energy-efficient building, construction and
4 retrofits industries.

5 (2) The renewable electric power industry.

6 (3) The biofuels industry.

7 (4) The energy efficiency assessment industry.

8 (5) Manufacturers of energy-efficient or renewable
9 energy products or materials.

10 (6) Any other industry deemed eligible by the
11 department.

12 "Grant." A grant issued under this act.

13 "Independent institution of higher education." As defined in
14 section 2001-C of the act of March 10, 1949 (P.L.30, No.14),
15 known as the Public School Code of 1949.

16 "Junior college." An institution of higher education that:

17 (1) Offers the first two years of a four-year
18 postsecondary educational program.

19 (2) Is approved by the Department of Education under 22
20 Pa. Code Ch. 42 (relating to program approval).

21 "Labor organization." An organization, agency or employee
22 representation committee or plan within this Commonwealth:

23 (1) In which employees participate.

24 (2) That exists for the purpose, in whole or in part, of
25 dealing with disputes between an employer and its employees
26 involving grievances, labor disputes, wages, rates of pay,
27 hours of employment or conditions of work.

28 The term does not include an organization, agency, committee or
29 plan that practices discrimination in membership because of
30 race, color, creed, national origin, sex or political

1 affiliation.

2 "Low-income individual." An individual with monthly income
3 at or below 200% of the Federal poverty level established by the
4 United States Bureau of the Census.

5 "Nonviolent offender." A person who has not committed a:

6 (1) crime of violence; or

7 (2) sexual offense enumerated in 42 Pa.C.S. § 9795.1(a)
8 and (b) (relating to registration).

9 "Private company." A business, professional service company
10 or other enterprise. The term includes a group of two or more
11 private companies operating as a consortium in order to take
12 advantage of a common training program. The term does not
13 include a point-of-sale retail business.

14 "Private licensed school." As defined in section 2 of the
15 act of December 15, 1986 (P.L.1585, No.174), known as the
16 Private Licensed Schools Act.

17 "Reserve component of the armed forces." The United States
18 Army Reserve, United States Navy Reserve, United States Marine
19 Corps Reserve, United States Coast Guard Reserve, United States
20 Air Force Reserve, Pennsylvania Army National Guard and
21 Pennsylvania Air National Guard.

22 "Secretary." The Secretary of Labor and Industry of the
23 Commonwealth.

24 "State-owned institution of higher education." An
25 institution of higher education that is part of the State System
26 of Higher Education.

27 "State-related institution of higher education." The
28 Pennsylvania State University, the University of Pittsburgh,
29 Temple University and Lincoln University, and any of their
30 branch campuses.

1 "Trainee." An individual who is enrolled in a training
2 program under this act.

3 "Training program." A systematic program that is designed to
4 provide an eligible individual with the skills and knowledge
5 necessary to meet the specifications for an occupation or trade
6 within an eligible industry.

7 Section 3. Green Work Force Training Program.

8 (a) Establishment.--Within six months after the effective
9 date of this section, the secretary, in consultation with the
10 Secretary of Environmental Protection, shall establish a Green
11 Work Force Training Program. The program shall be designed to
12 promote job training related to the energy efficiency and
13 renewable energy industries.

14 (b) Requirements.--

15 (1) The department shall establish the minimum training
16 requirements necessary for an applicant to be considered for
17 a grant under the program. In setting training requirements,
18 the department shall consult with the Department of
19 Environmental Protection, representatives from eligible
20 industries and representatives from labor organizations
21 representing workers in eligible industries in order to
22 ensure that the training will teach relevant skills and
23 competencies and that any certificates and credentials
24 resulting from completed job training are recognized by
25 employers.

26 (c) Grants.--

27 (1) The secretary shall award grants to enable eligible
28 entities to carry out training that leads to the development
29 of an energy efficiency and renewable energy industries work
30 force. Grants shall be awarded so as to ensure geographic

1 diversity.

2 (2) The secretary shall award grants to approved
3 applicants. In awarding a grant, priority shall be given to
4 applicants that demonstrate all of the following:

5 (i) Experience in implementing and operating worker
6 skills training and education programs.

7 (ii) Ability to identify and involve in training
8 programs eligible individuals who seek or would benefit
9 from job training opportunities related to energy
10 efficiency and renewable energy industries.

11 (iii) Ability to leverage additional public and
12 private resources to fund training programs, including
13 cash or in-kind matches from private companies. Failure
14 to leverage additional resources shall not disqualify an
15 applicant from receiving a grant.

16 (3) The secretary shall award at least five grants to
17 eligible applicants that agree to provide job training
18 primarily to low-income individuals and formerly incarcerated
19 or adjudicated nonviolent offenders. In awarding grants the
20 following shall apply:

21 (i) Grants shall be awarded in a manner that ensures
22 geographic diversity and that targets areas of high
23 poverty.

24 (ii) If less than five applicants apply or qualify
25 for a grant, the secretary may award any unused grant as
26 otherwise provided in this act.

27 (d) Grant applications.--An eligible entity must submit an
28 application for a grant to the department. The application must
29 be submitted on the form required by the department and include
30 or demonstrate all of the following:

- 1 (1) The applicant's name and address.
- 2 (2) The location where the training program will occur.
- 3 (3) The geographic area of this Commonwealth, identified
4 by county, from which the applicant expects to enroll
5 trainees.
- 6 (4) A brief history of the applicant's job training
7 experience, if any. Lack of job training history shall not
8 preclude an applicant from receiving a grant.
- 9 (5) A statement affirming that the applicant will give
10 eligible individuals priority for training and other
11 services.
- 12 (6) A statement identifying the eligible industries for
13 which the job training will be provided.
- 14 (7) A description of the proposed training or
15 instructional program to be provided.
- 16 (8) A statement:
 - 17 (i) Disclosing whether the applicant intends to
18 contract with other organizations or individuals for the
19 provision of all or a portion of the services to be
20 provided.
 - 21 (ii) If there is intent to contract under
22 subparagraph (i), requesting allocation of portion of the
23 grant from the applicant to the contractor.
- 24 (9) The amount of the grant requested, including an
25 itemized list of intended uses of the grant.
- 26 (e) Review and approval of grant applications.--
 - 27 (1) The department shall review a grant application to
28 determine that all of the following apply:
 - 29 (i) The applicant is an eligible entity.
 - 30 (ii) The applicant has committed to giving priority

1 for training and other service to eligible individuals.

2 (iii) The applicant will provide job training
3 relating to an eligible industry.

4 (iv) The training program proposal submitted by the
5 applicant:

6 (A) Meets the program requirements established
7 by the department.

8 (B) Will further the public policy goals of this
9 act.

10 (v) There is a substantial likelihood that the
11 training program will successfully train individuals for
12 future employment opportunities in an eligible industry.

13 (vi) The amount of the grant request is reasonable.

14 (vii) The applicant complied with all other criteria
15 established by the department.

16 (2) If satisfied that all requirements have been met,
17 the secretary may approve the grant application and award a
18 grant.

19 (f) Use of grant funds.--A grant recipient may not use a
20 grant to do any of the following:

21 (1) Pay wages of trainees during training.

22 (2) Pay costs associated with building construction or
23 renovation or the acquisition, upgrade or installation of
24 equipment or machinery, including computer equipment.

25 (3) Pay for point-of-sale retail job training.

26 (g) Limitation.--

27 (1) A single grant shall not exceed \$250,000 per
28 applicant.

29 (2) The aggregate amount of grants awarded in a fiscal
30 year shall not exceed \$5,000,000.

1 Section 4. Reports by grant recipients.

2 (a) Annual report.--By September 1, each grant recipient
3 shall submit a report to the department summarizing the
4 effectiveness of the recipient's training program for the prior
5 fiscal year. Each report shall be posted by the department on
6 its Internet website and shall remain posted until the reports
7 for the next year are posted. Each report shall contain the
8 following information:

9 (1) The number of program trainees.

10 (2) The demographic characteristics of trainees,
11 including race, gender, age and education level.

12 (3) The services provided by the recipient, including
13 job training, education and supportive services.

14 (4) The total amount of the grant received

15 (5) An itemized list of program expenditures.

16 (6) The amount of program spending per trainee.

17 (7) Program completion rates.

18 (8) The rate of job placement.

19 (9) The average wage at placement, including any
20 benefits.

21 (10) Any post-employment supportive services provided to
22 program trainees.

23 (11) Any other information requested by the department.

24 (b) Duties of department.--

25 (1) The department shall assist grant recipients in the
26 collection of data under this section by:

27 (i) Making available, where practicable, low-cost
28 means of tracking the labor market outcomes of program
29 trainees.

30 (ii) Providing standardized reporting forms.

1 (2) The department may collect and analyze, not less
2 than once every two years, labor market data to track work
3 force trends resulting from energy-related job training
4 initiatives administered under this act. The information
5 obtained by the department shall be included in the annual
6 report required to be submitted by the department under
7 section 5.

8 Section 5. Annual report by department.

9 (a) Requirement.--By December 31, the department shall
10 complete a written report outlining the effectiveness of the
11 training programs for the prior fiscal year. The report shall
12 include the following:

13 (1) Total number of grants awarded, including the name
14 and address of each grant recipient.

15 (2) Total amount of grants awarded, including the amount
16 each grant recipient received.

17 (3) Total number of individuals participating in
18 training programs funded by grants during the prior fiscal
19 year, including the number of individuals participating
20 through each grant recipient.

21 (4) Total number of individuals who completed a training
22 program funded by a grant during the prior fiscal year.

23 (5) Total number of individuals who enrolled in but
24 failed to complete a training program funded by this act
25 during the prior fiscal year.

26 (6) Rate of job placement for individuals who completed
27 a training program funded by this act during the prior fiscal
28 year, including the average wage at placement and benefits.

29 (7) A summary of the information submitted by each grant
30 recipient under section 4(a).

1 (8) Recommendations for amendments to this act.

2 (9) Other information deemed by the department to be
3 relevant or necessary to complete a comprehensive review of
4 the program.

5 (b) Submission.--The report shall be submitted to the
6 following:

7 (1) The Governor.

8 (2) The Majority Leader and Minority Leader of the
9 Senate.

10 (3) The Majority Leader and Minority Leader of the House
11 of Representatives.

12 (4) The chairman and minority chairman of each standing
13 committee in the Senate and the House of Representatives with
14 jurisdiction over the department.

15 (5) The chairman and minority chairman of:

16 (i) The Environmental Resources and Energy Committee
17 of the Senate.

18 (ii) The Environmental Resources and Energy
19 Committee of the House of Representatives.

20 (c) Posting.--The department shall post the report on its
21 Internet website. The report shall remain posted until the
22 report for the next fiscal year is posted.

23 Section 6. Regulations.

24 (a) General rule.--The department, in consultation with the
25 Department of Environmental Protection, shall promulgate
26 regulations necessary for the administration and enforcement of
27 this act.

28 (b) Temporary regulations.--

29 (1) In order to facilitate the prompt implementation of
30 this act, initial regulations promulgated by the department

1 shall be deemed temporary regulations which shall expire no
2 later than two years following the effective date of this
3 section.

4 (2) Temporary regulations are exempt from all of the
5 following:

6 (i) Sections 201, 202 and 203 of the act of July 31,
7 1968 (P.L.769, No.240), referred to as the Commonwealth
8 Documents Law.

9 (ii) The act of June 25, 1982 (P.L.633, No.181),
10 known as the Regulatory Review Act.

11 (3) This subsection shall expire one year from the
12 effective date of this section.

13 Section 7. Transfer of funding.

14 (a) Authorization.--The sum of \$25,000,000 shall be
15 transferred from the Commonwealth Financing Authority to a
16 restricted receipt account in the State Treasury for
17 disbursement by the Department of Labor and Industry for
18 purposes of funding grants. The moneys transferred by the
19 authority shall derive from the proceeds of any bonds issued by
20 the authority for alternative energy and other energy-related
21 projects.

22 (b) Disbursement.--The department shall annually disburse
23 \$5,000,000 of the amounts transferred under subsection (a) for
24 the purpose of funding grants.

25 Section 8. Effective date.

26 This act shall take effect in 60 days.