

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2037

Session of
1986

INTRODUCED BY KOSINSKI, MANDERINO, PIEVSKY, IRVIS, MICHLOVIC,
VEON, CARN, STEWART, KUKOVICH, OLIVER, ACOSTA, TRUMAN,
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R. C. WRIGHT, DURHAM, PRESSMANN, AFFLERBACH, LESCOVITZ AND
HARPER, JANUARY 22, 1986

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 19, 1986

AN ACT

1 Providing for the administration and use of funds available to
2 the Commonwealth through the Federal Job Training Partnership
3 Act.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Pennsylvania
8 Job Training Partnership Act.

9 Section 2. Legislative intent.

10 It is the intent of the General Assembly to further the
11 purposes of the Federal Job Training Partnership Act in training
12 and retraining the Commonwealth's work force in order to
13 decrease the high unemployment rate which has plagued this
14 Commonwealth in the last seven years. While the nation has
15 recovered from the recent recession, this Commonwealth is still

1 victimized by intolerably high levels of unemployment, evidenced
2 by the large number of people who have given up looking for
3 work. The intent of this act is to ensure that as many citizens
4 of the Commonwealth as possible are afforded the opportunity to
5 become skilled members of Pennsylvania's labor force.

6 Section 3. Definitions.

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

10 "Council." The entity designated as the State Job Training
11 Coordinating Council In JTPA.

12 "Department." The Department of Labor and Industry of the
13 Commonwealth.

14 "JTPA." The Job Training Partnership Act (Public Law 97-300,
15 96 Stat. 1322).

16 "PIC." The private industry councils established under JTPA.

17 "SDA." The service delivery areas as specified in JTPA and
18 established by the council.

19 Section 4. Pennsylvania Job Training Partnership Act.

20 (a) Administration.--The Pennsylvania JTPA shall be
21 administered locally by PICs which shall report to the Bureau of
22 Job Training within the Department of Labor and Industry. The
23 council shall oversee both of these entities as provided for in
24 this act and any other State law.

25 (b) PICs.--In addition to the powers and duties granted PICs
26 by JTPA, they shall also be required to:

27 (1) Contain at least one member from a county assistance
28 office of the Department of Public Welfare which serves at
29 least a portion of the geographic area that the PIC serves.

30 (2) Contain at least one member from an employment

1 service office which serves at least a portion of the
2 geographic area that the PIC serves.

3 (3) Carry out administrative, financial and property
4 management functions in a manner approved by the department.

5 (c) Department.--It shall be the responsibility of the
6 department to ensure that all moneys, with the exception of
7 those moneys in section 6(2), are used in accordance with
8 Federal law, the direction of the council, and applicable State
9 law. It shall also be the responsibility of the department to
10 maintain and update all records required by the council in the
11 performance of its duties, and to assist the council in any way
12 that the council deems necessary.

13 (d) Council.--In addition to responsibilities granted the
14 council as the State Job Training Coordinating Council under
15 JTPA, the council shall also have the power and its duty shall
16 be to:

17 (1) Approve all plans required under JTPA and this act.

18 (2) Provide recommendations to the Governor and the
19 General Assembly on changes which need to be implemented to
20 carry out the purposes of this act.

21 (3) Recommend administrative and other changes to the
22 department which it deems necessary to carry out the purposes
23 set forth in this act.

24 (4) Ensure that the PICs are provided with both
25 occupational supply and demand information and demographic
26 information concerning the number of eligible persons in each
27 group to be served in a timely and usable manner.

28 (5) MAINTAIN PROPER FISCAL ACCOUNTING, RECORDS AND
29 INFORMATION AS REQUIRED BY LAW.

30 (6) OVERSEE THE EFFICIENT DISBURSAL OF MONEY TO THE

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1 PROPER PARTIES.

2 (7) APPEAL TO THE SECRETARY OF LABOR A DECISION BY THE
3 DEPARTMENT OF LABOR THAT RESULTS IN A DISALLOWED COST OR
4 RETURN OF MONEY.

5 (8) CONDUCT REGULAR AUDITS. AT LEAST ONCE EVERY TWO
6 YEARS, THE GOVERNOR SHALL PROVIDE FOR AN INDEPENDENT AUDIT OF
7 EACH RECIPIENT OF FUNDS.

8 (I) IF A FISCAL OR RECORD DISCREPANCY IS DISCOVERED,
9 THE COUNCIL SHALL ACT IMMEDIATELY TO DETERMINE ERRORS AND
10 SEEK RECTIFICATION. THE COUNCIL SHALL WORK WITH
11 APPROPRIATE FEDERAL AUTHORITIES IN CORRECTING ANY ERRORS.

12 (II) IF THE COUNCIL DETERMINES THAT FUNDS HAVE BEEN
13 IMPROPERLY ADMINISTERED WITHIN A SERVICE DELIVERY AREA,
14 THE COUNCIL MAY RECOMMEND THAT ALL OR A PORTION OF THE
15 FUNDS MAY BE WITHHELD FROM THE SUBJECT SERVICE DELIVERY
16 AREA. NOTICE OF THIS RECOMMENDATION SHALL BE SENT TO THE
17 CHIEF ELECTED OFFICIALS AND PIC WITHIN THE SUBJECT
18 SERVICE DELIVERY AREA AS WELL AS TO THE GOVERNOR. THE
19 COUNCIL SHALL HOLD A HEARING WITHIN 30 DAYS AFTER THE
20 NOTICE OF THE RECOMMENDATION. AT THE CONCLUSION OF THE
21 HEARING, THE COUNCIL SHALL TRANSMIT A RECOMMENDATION OF
22 ACTION TO THE GOVERNOR, WHO SHALL MAKE A DECISION OF
23 ACTION WITHIN 15 DAYS OF THE CONCLUSION OF THE HEARING.
24 IF THE GOVERNOR FAILS TO MAKE A DECISION OF ACTION WITHIN
25 15 DAYS, THE RECOMMENDATION OF THE COUNCIL SHALL STAND AS
26 THE FINAL DECISION OF ACTION.

27 (III) IF THE COUNCIL RECOMMENDS THAT FUNDS BE
28 WITHHELD FROM A SERVICE DELIVERY AREA, IT SHALL ALSO
29 RECOMMEND TEMPORARY ALTERNATIVE SERVICE WITHIN THE
30 SUBJECT SERVICE DELIVERY AREA. THE TEMPORARY ALTERNATIVE

SERVICE SHALL CONTINUE UNTIL APPROPRIATE SERVICE IS
OFFERED BY THE PIC AND APPROVED BY THE COUNCIL.

(IV) IF THE COUNCIL DETERMINES THAT FRAUD OR
MISREPRESENTATION OF FUNDS OCCURRED, THE COUNCIL MAY
WITHHOLD FUNDS FROM THE SUBJECT SERVICE DELIVERY AREA.
THE FUNDS MAY REMAIN WITHHELD PENDING THE HEARING OF THE
COUNCIL AND THE FINAL DECISION OF ACTION.

(E) CONFLICT OF INTEREST.--NO MEMBER OF A PIC SHALL CAST A
VOTE WHICH WOULD PRODUCE FINANCIAL BENEFIT TO THAT MEMBER,
SPOUSE OF THAT MEMBER OR AN EMPLOYER OF THAT MEMBER, OR A
BUSINESS CONCERN WHERE THAT MEMBER HAS EITHER PRINCIPAL
OWNERSHIP OR A FINANCIAL INTEREST GREATER THAN \$10,000. THE
COUNCIL MAY INVESTIGATE ALLEGED VIOLATIONS OF THIS SUBSECTION
AND ACT BY MAJORITY VOTE TO RESCIND AN ACTION AFFECTED BY A
CONFLICT OF INTEREST.

Section 5. Plans submitted to the council.

The plans for use of funds under JTPA, in addition to the
requirements in JTPA, shall contain the following:

(1) Coordination. The plans must contain the method
that will be used for coordination with, and use of, the
following agencies:

(i) County assistance offices.

(ii) Local offices of employment security.

(iii) Local education agencies.

If it is found to be difficult to coordinate with any of
these agencies it should be so specified in the plan, with an
explanation of the reasons for the problems. If any of these
agencies are not being used in a substantive manner, the plan
must specify the reasons for this. A substantive manner shall
mean, at a minimum, the use of county assistance offices and

1 offices of employment security for referral and eligibility
2 verification, and local education agencies for the provision
3 of job training programs.

4 (2) Groups to be serviced. The plans must itemize those
5 target groups which are to be serviced, including estimates
6 of the numbers within each group which will be served. If the
7 percentage of participants within each group deviates from
8 the totals for the area served or the plan deviates greatly
9 from the priority groups specified by the council, the plan
10 must specify the reasons for the deviation.

11 (3) Types of service. The plan must contain the types of
12 service recommended by the council or the reasons for the
13 deviation from these service types. Further, the plan must
14 contain reasons for the selection of providers, including the
15 results from any past contracts with providers who will be
16 selected. If on-the-job training or any other kind of
17 subsidized employment is being conducted, the PIC must ensure
18 that the employer, if he has used the program before, still
19 employs a large percentage of those persons involved in prior
20 subsidized employment agreements.

21 (4) Types of occupations to be trained for. For those
22 programs which involve the training of individuals for
23 specific occupations, the PIC shall ensure that the
24 individual occupation does not have a labor surplus for the
25 particular SDA through the use of information provided by the
26 State occupational information system. If training is
27 provided for occupations for which there is no projected
28 demand, the plan must include an explanation of the request.

29 Section 6. Title II Programs.

30 In addition to the requirements set forth in JTPA and any

1 other applicable law, the administrative entities of JTPA shall
2 be required to adhere to the following provisions for Title II
3 Programs:

4 (1) Title II-A-Grants to PICs. In order to expend
5 moneys under this provision, PICs must submit both a two-year
6 master plan and a one-year program plan. The plans shall be
7 structured as the department deems necessary and shall be in
8 accordance with State and Federal law pertaining to these
9 plans. In addition, the program plan must take into account
10 the occupational information and demographic information
11 supplied to the PICs.

12 (2) Title II-A-State education grants. The Department
13 of Education shall administer moneys appropriated under this
14 provision. Before expending these funds, the Department of
15 Education shall submit a plan for the use of the funds to the
16 council. This plan must contain references to coordination
17 with PICs and the Department of Labor and Industry, along
18 with specifying the programs for which the funds will be
19 used. The plan should contain those items required by PICs in
20 their plan for expending funds under paragraph (1). Funds
21 available under this provision for training programs are to
22 be used for education, training and related services, with
23 priority to be given to programs for adult literacy and
24 entry-level training. As part of the cooperative agreements
25 to be submitted by SDAs, narrative information must be
26 provided to support the request for funding of all
27 activities, with particular emphasis on justifying requests
28 for programs not included in the priorities listed above.

29 (3) Title II-A-Incentive grants. Incentive grant moneys
30 shall be used for the following:

1 (i) Programs operated by the PICs to be used
2 exclusively to train and provide assistance to recipients
3 of general assistance or aid to families with dependent
4 children.

5 (ii) Direct assistance to those PICs not meeting the
6 performance criteria adopted by the council.

7 (iii) Assistance to those PICs which have difficulty
8 spending funds allocated to them under any of the various
9 JTPA programs.

10 (iv) Assistance to those PICs which have difficulty
11 submitting an acceptable plan for any portion of JTPA
12 money.

13 (4) Title II-A-Aging. The council shall require that
14 any entity receiving money spent under this provision submit
15 a plan for its use, including estimated results, followup on
16 participants and other items required by the council. No
17 entity shall receive this money as an entitlement, since it
18 shall be up to the council to decide on which entities should
19 be funded, based on the plans submitted meeting the purposes
20 of this act.

21 (5) Title II-A-Administration. Funds appropriated under
22 this provision shall be spent on administration by both the
23 council and the department, maintenance of the occupational
24 supply and demand information, and programs as specified in
25 the act appropriating such funds.

26 (6) Title II-B. Funds appropriated under this provision
27 shall be expended following the approval by the council of
28 the PIC's plan for their expenditure. The plans must contain
29 evidence that work experience programs will be combined with
30 educational training for participants. Further, the plans

1 should contain efforts aimed at preventing dropping out of
2 school, or efforts at obtaining general educational
3 development certificates or their equivalent for those who
4 may have already dropped out.

5 Section 7. Title III Programs.

6 Funds appropriated under this provision shall be used to
7 train dislocated workers, as defined in JTPA, provided that the
8 following provisions are met:

9 (1) The council shall approve all programs for use of
10 the funds.

11 (2) The decision to fund a program shall be based on the
12 plan submitted for the expenditure of the funds.

13 (3) The council shall attempt to fund programs only in
14 those areas with substantial numbers or percentages of
15 dislocated workers.

16 Section 8. Effective date.

17 This act shall take effect immediately.