

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 493

Session of
1987

INTRODUCED BY RUDY, ARTY, CALTAGIRONE, TIGUE, ITKIN, FREEMAN,
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KUKOVICH, REBER, SHOWERS, MAINE, RAYMOND, BUNT, LASHINGER,
E. Z. TAYLOR, BLAUM AND LINTON, MARCH 2, 1987

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 2, 1987

AN ACT

1 Authorizing Commonwealth agencies to establish pilot day-care
2 programs for the children of agency employees.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Commonwealth
7 Agencies Pilot Child Day-Care Program Law.

8 Section 2. Legislative findings and declarations.

9 (a) Findings.--The General Assembly finds that there is an
10 increasing number of single parents and other persons employed
11 by or in this Commonwealth who require day care for their
12 children during working hours, that recently publicized scandals
13 concerning the treatment of children in private day-care centers
14 have caused justifiable concern among such employees and
15 discouraged similarly situated persons from seeking employment

1 which would separate them from their children and that the
2 anxiety caused to current and potential employees of the
3 Commonwealth and other employers impairs their working
4 efficiency and constitutes a threat to the productivity and
5 availability of qualified employees in both the public and
6 private sectors of this Commonwealth.

7 (b) Declarations.--The General Assembly hereby declares it
8 to be the public policy of this Commonwealth to insure the peace
9 of mind and continued productivity of persons employed within
10 this Commonwealth by setting an example to encourage employers
11 to provide child day-care facilities for their employees at or
12 near the workplace.

13 Section 3. Definitions.

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

17 "Child day care." Care in lieu of parental care given for
18 part of the 24-hour day to children under 16 years of age, away
19 from their own homes.

20 "Commonwealth agency." The Governor and the departments,
21 boards, commissions, authorities and other agencies of the
22 Commonwealth government, including those independent of the
23 policy supervision and control of the Governor. The term does
24 not include any court or other agency of the unified judicial
25 system or the General Assembly and its agencies.

26 "Pilot child day-care program." A program to provide child
27 day care for the children of employees of a Commonwealth agency,
28 established pursuant to this act.

29 Section 4. Ascertainment of need.

30 Each Commonwealth agency shall conduct a survey of its

1 employees to determine if there is a need within that agency for
2 a child day-care program. The determination of the agency head
3 or governing body as to the need for a desirability of a program
4 will be final and not subject to appeal.

5 Section 5. Pilot program.

6 In the event that the head or governing body of a
7 Commonwealth agency determines that a child day-care program is
8 necessary and desirable for the employees of that agency, the
9 agency is hereby authorized and empowered to establish a pilot
10 program to provide day care for the children of the agency's
11 employees at locations that the agency deems appropriate.

12 Section 6. Facilities and personnel.

13 Each Commonwealth agency is empowered to utilize Commonwealth
14 grounds, buildings and facilities for the operation of pilot
15 day-care programs, to contract for the use of nearby grounds,
16 buildings and facilities therefor and to employ or engage as
17 independent contractors the necessary personnel and staff to
18 administer and operate the programs, as the agency deems
19 appropriate, subject to applicable regulations promulgated by
20 the Department of Public Welfare pursuant to its authority under
21 Articles IX and X of act of June 13, 1967 (P.L.31, No.21), known
22 as the Public Welfare Code.

23 Section 7. Funding.

24 Other than for the use of Commonwealth property, all costs
25 and expenses of the maintenance and operation of any pilot child
26 day-care program established pursuant to this act shall be borne
27 by the employees utilizing the program and its services.

28 Section 8. Regulation and evaluation.

29 (a) Regulation.--Except as inconsistent with applicable
30 regulations of the Department of Public Welfare, each agency

1 shall, in the manner provided by law, establish the regulations
2 necessary to carry out this act, including, but not limited to,
3 hours of operation, services to be provided, conditions for
4 admission, visitation and inspection.

5 (b) Evaluation.--Each Commonwealth agency shall prepare an
6 annual evaluation report of the pilot child day-care program,
7 and solicit the comments of its employees utilizing the program
8 in preparation of the report. The report shall include an
9 evaluation of the effectiveness, cost and extent of utilization
10 of the program, and shall be made to the Governor, to the Senate
11 and to the House of Representatives.

12 Section 9. Agency discretion.

13 Nothing herein shall be interpreted to require any
14 Commonwealth agency to establish a pilot child day-care program
15 for its employees, to operate such a program at a location where
16 it would be accessible to all agency employees or to otherwise
17 limit the discretion of an agency head or governing body in the
18 establishment, operation or termination at any time of a pilot
19 child day-care program.

20 Section 10. Construction.

21 Except where inconsistent with applicable regulations of the
22 Department of Public Welfare, it is the express intention of the
23 General Assembly that this act be liberally construed to allow
24 for the establishment of a variety of nonuniform programs and
25 services for comparative evaluation, and such lack of uniformity
26 in the programs and services provided hereunder shall not give
27 rise to any cause of action.

28 Section 11. Nonseverability.

29 The provisions of this act are nonseverable. If any provision
30 of this act or its application to any person or circumstance is

1 held invalid, the remaining provisions or applications of this
2 act are void.
3 Section 12. Effective date.
4 This act shall take effect in 90 days.