

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 475 Session of
1993

INTRODUCED BY O'PAKE, BELAN, LINCOLN, AFFLERBACH, REIBMAN,
BODACK, STAPLETON, MELLOW, JONES, HELFRICK, MUSTO, RHOADES,
FISHER AND PETERSON, FEBRUARY 9, 1993

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 9, 1993

AN ACT

1 Amending the act of July 2, 1984 (P.L.561, No.112), entitled "An
2 act establishing the Pennsylvania Conservation Corps; and
3 making an appropriation," further providing for definitions,
4 for duties of the Secretary of Labor and Industry, for
5 projects, for eligibility for program, for compensation, for
6 supervisors, for appropriations and for expiration of the
7 Pennsylvania Conservation Corps and the act; making a repeal;
8 and making editorial changes.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 2 of the act of July 2, 1984 (P.L.561,
12 No.112), known as the Pennsylvania Conservation Corps Act,
13 amended July 1, 1989 (P.L.119, No.25), is amended to read:

14 Section 2. Definitions.

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

18 "Community-based agency." A private, nonprofit organization
19 that is representative of a community or a significant segment
20 of a community that is engaged in meeting human, educational or

1 environmental community needs.

2 "Corps." The Pennsylvania Conservation Corps.

3 "Corpsmember." A participant in the corps pursuant to
4 criteria set forth in section 6.

5 "Crewleader." A participant in the corps who is employed to
6 supervise corpsmembers pursuant to criteria set forth in section
7 8(c).

8 "Department." The Department of [Environmental Resources.]
9 Labor and Industry.

10 "Human service projects." Projects which involve
11 conservation work and the direct delivery of services which
12 promote the well-being of children, the elderly, persons with
13 physical and developmental disabilities, or persons with low
14 incomes.

15 "Local agency." Any [municipality] political subdivision
16 located within this Commonwealth.

17 "Secretary." The Secretary of [the Department of
18 Environmental Resources.] Labor and Industry.

19 "Signature projects." Special-event, large-scale, short-
20 term, highly visible projects which combine the efforts of more
21 than one crew and promote the public good in ways consistent
22 with this act.

23 "State agencies." The Fish Commission, Game Commission,
24 Historical and Museum Commission, Department of Environmental
25 Resources [and, in the case of job search skills, job
26 application skills and ability assessments, the], Department of
27 Public Welfare, Department of Corrections, Department of
28 Education, Department of Aging, Department of Military Affairs,
29 Pennsylvania Emergency Management Agency, Department of
30 Community Affairs and Department of Labor and Industry.

1 Section 2. Section 3 of the act is amended to read:

2 Section 3. Pennsylvania Conservation Corps created.

3 There is hereby created within the Department of
4 [Environmental Resources] Labor and Industry the Pennsylvania
5 Conservation Corps.

6 Section 3. Sections 4 and 5 of the act, amended July 1, 1989
7 (P.L.119, No.25), are amended to read:

8 Section 4. Duties of the secretary.

9 The secretary shall:

10 (1) [Employ] Enroll eligible participants pursuant to
11 section 6 [in work experience projects].

12 (2) Employ crewleaders pursuant to section 8.

13 (3) Appoint a director who shall act as the
14 administrative officer of the corps. The director shall
15 employ staff necessary to implement the provisions of this
16 act.

17 (4) Develop or review proposed [work experience]
18 projects submitted to the department by State and local
19 agencies and approve projects that meet the requirements of
20 this act. State agencies eligible to submit [work experience]
21 projects shall be limited to the Fish Commission, Game
22 Commission, Historical and Museum Commission [and],
23 Department of Environmental Resources[.], Department of Labor
24 and Industry, Department of Public Welfare, Department of
25 Corrections, Department of Military Affairs, Department of
26 Aging, Department of Education, Department of Community
27 Affairs and Pennsylvania Emergency Management Agency. The
28 secretary shall insure that [work experience] projects
29 involve labor intensive improvement activities on public
30 lands or facilities that will result in a future public value

1 [and] or have a potential for future revenue yield.

2 (5) Authorize utilization of the corps for approved
3 [work experience] projects in urban, suburban and rural areas
4 as necessary to carry out the provisions of this act.

5 (6) Execute [employment] contracts with State and local
6 agencies containing any terms and conditions deemed necessary
7 and desirable for the [employment] enrollment of corpsmembers
8 in approved [work experience] projects; and in the case of
9 job search skills, job application skills and ability
10 assessments, execute contracts or cooperative agreements with
11 Federal, State or local agencies, persons, firms,
12 partnerships, associations or corporations for the provisions
13 of these services.

14 (7) Authorize utilization of the corps for emergency
15 projects within or outside this Commonwealth which shall
16 include, but not be limited to, natural disasters, fire
17 prevention and suppression and rescue of lost or injured
18 persons. Corpsmember participation in emergency projects
19 shall be voluntary. Corpsmembers shall receive adequate
20 training prior to participating in an emergency project.

21 (8) Apply for and accept grants or contributions of
22 funds from any public or private source, including the
23 acceptance of Federal funds appropriated by the General
24 Assembly. Such funds shall include Federal funds which may be
25 provided under the National and Community Service Act of 1990
26 (Public Law 101-610, 104 Stat. 3127).

27 (9) Purchase, rent or otherwise acquire or obtain
28 personal property, supplies, instruments, tools, equipment or
29 conveniences necessary to complete [work experience] projects
30 or provide corpsmember training.

1 (10) Develop program guidelines or regulations as it
2 deems necessary to fairly and effectively administer this
3 act.

4 (11) Authorize the exchange of corpsmembers and
5 crewleaders with other established conservation corps/service
6 programs in order to foster a spirit of understanding and to
7 advance the goals of volunteerism and service. Participation
8 in exchange projects shall be voluntary.

9 (12) Execute contracts for [employment] enrollment of
10 corpsmembers in cities of the first class for projects
11 designed to repel or remove graffiti or other institutional
12 vandalism. The secretary may contract directly with not-for-
13 profit agencies and organizations which shall be eligible for
14 funding provided pursuant to section 12.1.

15 Section 5. [Work experience projects.] Projects.

16 (a) Purpose.--

17 (1) The secretary shall ensure that each [work
18 experience] project established pursuant to the authority
19 granted in section 4 shall provide corpsmembers with
20 educational opportunities and job training skills, which may
21 include general educational development, literacy training,
22 adult basic education, job search skills and job application
23 skills, and with work experience related to the conservation,
24 improvement or development of natural resources or the
25 enhancement, preservation and maintenance of public lands,
26 water or facilities.

27 (2) Projects developed may include fee-for-service
28 projects with other State and local agencies and community-
29 based nonprofit agencies. Fees for service will be retained
30 by the department for use in the corps program. Fee-for-

1 service projects may not be entered into with for-profit
2 agencies, nor may any fee-for-service project displace any
3 other workers.

4 (3) The secretary may also develop State and local human
5 service projects which combine both conservation work and
6 human services, especially those projects and activities
7 which promote the social well-being or economic self-
8 sufficiency of the elderly, persons with physical or
9 developmental disabilities, children or other persons with
10 low incomes. The secretary shall give preference to those
11 human service projects that involve intergenerational
12 activities between corpsmembers and older persons in projects
13 that are in other ways consistent with this act.

14 (4) The secretary is also authorized to develop and
15 carry out signature projects involving more than one crew and
16 designed to have a high impact. These projects shall be
17 short-term and may involve working with community-based,
18 nonprofit organizations.

19 (5) Job training may be provided directly by the agency
20 administering the [work experience] project or by other
21 agencies as provided in subsection (d).

22 (b) Project criteria.--[Work experience projects] Projects
23 shall be undertaken in urban, suburban and rural areas and shall
24 be selected on the basis of the environmental and natural
25 resource benefits each offers, the opportunities for public use
26 each offers, the educational opportunities and the on-the-job
27 training value of each, the future public value of the completed
28 project [and], the estimated additional revenue to be generated
29 for the Commonwealth or its subdivisions from the completion of
30 each project[.] and the savings in other public expenditures

1 that are provided by virtue of the project.

2 (c) Use of lands; exceptions.--All [work experience]
3 projects developed or approved and funded by the department
4 shall be limited to public lands and facilities except where a
5 property involving other lands will provide documented public
6 value or benefit. Reimbursement must be provided to the
7 department for that portion of the total costs which does not
8 provide a public benefit. The reimbursement will be retained by
9 the department for use in the corps program. In the case of
10 emergencies and natural disasters, projects may take place on
11 land or at facilities not owned by the department, other State
12 agencies or local agencies without regard to public benefit and
13 private reimbursement.

14 (d) Coordinated services.--Whenever available and
15 appropriate, adult education, job training and placement
16 services provided through other Federal, State and local funded
17 programs such as the Job Training Partnership Act Program, the
18 Community Services Block Grant and the [Office of Employment
19 Security] Job Centers shall be coordinated with projects
20 developed under this act to assist eligible participants.
21 Coordinated services may include, but are not limited to, job
22 placement assistance, adult literacy training, job search
23 skills, job application skills and ability assessments. Whenever
24 possible, eligible participants without a high school diploma
25 shall receive coordinated services that provide an opportunity
26 to obtain an equivalent high school diploma. [Within two weeks
27 of enrollment in the corps, each corpsmember shall be referred
28 to the Office of Employment Security for ability assessments,
29 the results of which shall be provided to the department.]

30 (e) Standards.--Work sites of [work experience] projects

1 shall conform to appropriate health and safety standards.

2 (f) Projects not permitted.--Work [experience] shall not
3 include [work on any project for] the removal or cleaning up of
4 any toxic waste or other hazardous substance.

5 Section 4. Section 6 of the act, amended July 2, 1986
6 (P.L.341, No.78) and July 1, 1989 (P.L.119, No.25), is amended
7 to read:

8 Section 6. Eligibility for program.

9 (a) Criteria.--Persons participating in the corps program
10 shall be young men and women who are:

11 (1) Between the ages of [18] 16 and 25.

12 (2) Domiciled in the Commonwealth for at least six
13 months prior to participating in the program.

14 (3) Registered with the [Office of Employment Security]
15 local Job Center for employment.

16 (4) Physically and mentally capable of performing labor
17 intensive work.

18 (5) [Not attending high school or postsecondary
19 institution full time and who] Able to provide assurance that
20 they did not leave school for the purpose of participating in
21 the program. [Full-time high school and postsecondary
22 students may participate in this program during authorized
23 school vacations.]

24 (b) Referrals.--Eligibility for corpsmembers shall be
25 determined by the [Office of Employment Security] Job Centers
26 which shall refer eligible participants to the department. For
27 referral purposes, the [Office of Employment Security] Job
28 Centers shall develop standards for classifying applicants into
29 various levels of eligibility, based on the degree to which an
30 applicant is economically disadvantaged, in accordance with

1 applicant local labor supply. Job Centers shall seek referrals
2 from schools, local agencies, community-based agencies, and
3 other youth and human service organizations for purposes of
4 enrolling applicants in corps programs. The [Office of
5 Employment Security] Job Centers shall refer applicants by order
6 of classification, giving first priority to applicants between
7 the ages of [18] 16 and 21 whose eligibility is based on
8 financial status as required by joint or separate employment
9 programs of the Federal and State governments. If the number of
10 corps jobs is insufficient to employ all eligible individuals
11 who apply for participation in the program, the [Office of
12 Employment Security] Job Centers may provide the names of these
13 eligible individuals to private sector employers or to job
14 training programs requesting referrals, so long as the
15 individuals referred agree to the referral being provided.

16 (c) Preference.--Preference in hiring shall be given to [the
17 economically disadvantaged.] economically disadvantaged young
18 people, especially those eligible applicants who receive general
19 assistance, aid to families with dependent children (AFDC) or
20 other public assistance benefits.

21 (d) Minors.--Persons 16 and 17 years of age must present an
22 employment certificate issued under section 1391 of the act of
23 March 10, 1949 (P.L.30, No.14), known as the Public School Code
24 of 1949, on the same basis as would be required if they were
25 employed by a firm, association or corporation.

26 Section 5. Section 7 of the act, amended July 1, 1989
27 (P.L.119, No.25), is amended to read:

28 Section 7. Compensation.

29 (a) Term of [employment] enrollment.--Corpsmembers shall be
30 [employed] enrolled for a period of six months. At the option of

1 the department, corpsmembers who have successfully completed
2 their six-month [enrollment] term may be [employed] enrolled for
3 a second six-month term. The department shall refer the names of
4 corpsmembers who successfully complete their [employment]
5 service in the corps to the [Office of Employment Security] Job
6 Centers for assistance in securing private sector employment or
7 for enrollment in additional job training programs. The
8 department may also provide the names of participants who
9 successfully complete their [employment] service in the corps to
10 private sector employers requesting referrals, with the approval
11 of the participant.

12 (b) Minimum wage.--Corpsmembers shall receive an hourly wage
13 no less than the State minimum wage as provided for by the act
14 of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage
15 Act of 1968. [Corpsmen] Corpsmembers serving a second six-month
16 term shall receive additional hourly compensation of at least
17 [5%] 10%.

18 (c) Benefits.--Corpsmembers shall not be entitled to any
19 employee benefits provided to existing employees of the
20 department or other agencies except for paid Commonwealth
21 holidays and workmen's compensation coverage which shall be
22 provided through the funds appropriated to carry out this act,
23 nor shall service as a corpsmember qualify an individual for
24 benefits under the act of December 5, 1936 (2nd Sp.Sess., 1937
25 P.L.2897, No.1), known as the Unemployment Compensation Law.
26 Corpsmembers who complete six months in the corps will be
27 entitled to a \$500 bonus. Corpsmembers who complete 12 months in
28 the program will be entitled to an additional \$500 bonus at the
29 end of their second six months in the program.

30 (d) Work hours.--Corpsmembers shall be scheduled to work the

1 standard work hours of the department or of the State or local
2 agency sponsoring the [work experience] project. In no instance
3 shall corpsmembers be scheduled to work more than 40 hours per
4 week. [Corpsmembers may request and shall be excused as
5 necessary for a maximum of 260 hours per six-month term of
6 enrollment from scheduled work hours to participate in adult
7 education, job training and placement services which the
8 department determines to be appropriate and are in accordance
9 with the provisions of this act.] Corpsmembers shall be excused
10 as necessary as determined by the department from scheduled work
11 hours to participate in adult education, job training,
12 corpsmember development and placement services which the
13 department determines to be appropriate and in accordance with
14 the provisions of this act. Corpsmembers shall be compensated as
15 set forth in subsection (b) for participating in job training
16 and placement services which the department determines are in
17 accordance with the provisions of this act.

18 Section 6. Section 8 of the act, amended July 2, 1986
19 (P.L.341, No.78) and July 1, 1989 (P.L.119, No.25), is amended
20 to read:

21 Section 8. Supervisors.

22 [(a) Personnel.--Whenever possible, the department and other
23 State and local agencies shall use existing employees to
24 supervise the participants working on projects. No funds
25 available for this program shall be expended for the salaries,
26 wages or benefits paid to these existing employees.

27 (b) Funding.--If it is determined by the secretary that
28 supervision of corpsmembers is necessary to carry out corps
29 projects in the department or other State or local agencies,
30 funds] (a) Funding.--Funds available for this program may be

expended to pay the wages of crewleaders who shall supervise
corpsmembers as prescribed by the department.

[(c)] (b) Crewleader criteria.--Persons eligible to be hired
as crewleaders by the department shall be men and women who are:

(1) Domiciled in the Commonwealth for at least six
months prior to employment in the programs.

(2) Registered with the [Office of Employment Security]
local Job Center for employment.

(3) Physically and mentally capable of performing labor
intensive work and supervisory duties.

(4) Not attending a postsecondary institution full time
and who provide assurance that they did not leave school for
the purpose of employment as a supervisor in the program.

[(d)] (c) Six-month term.--Crewleaders may be employed by
the department for a period that may exceed the six-month limit
established for corpsmembers.

[(e)] (d) Hourly wage.--Crewleaders shall receive an hourly
wage that exceeds the hourly wage of corpsmembers by a minimum
of [\$2.00] \$5.00.

[(f)] (e) Benefits.--Crewleaders shall not be entitled to
any employee benefits provided to existing employees of the
department or of other State or local agencies except for paid
Commonwealth holidays and workmen's compensation coverage which
shall be provided through the funds appropriated to carry out
this act.

[(g)] (f) Veterans' preference.--In the hiring of
crewleaders, preference shall be given to honorably discharged
veterans of the armed forces of the United States.

Section 7. Section 10 of the act, amended July 1, 1989
(P.L.119, No.25), is amended to read:

1 Section 10. Annual report.

2 On October 1, 1990, and each year thereafter during the
3 program's existence, the secretary shall report to the Chief
4 Clerk of the House of Representatives and the Secretary of the
5 Senate on the preceding fiscal year's impact of the program. All
6 recipients of funds for approved projects shall provide the
7 information requested by the department for the purposes of this
8 report. The report shall include, but not be limited to:

9 (1) Productivity measures by the type of project funded.

10 (2) The number of corpsmembers [employed] enrolled.

11 (3) The average length of [employment] enrollment.

12 (4) The extent of job training provided to participants.

13 (5) The number of participants who find employment after
14 completion of the project.

15 (6) Estimated total dollar value of completed work
16 projects by type of project.

17 (7) Estimated potential revenue from projects completed
18 by corpsmembers.

19 (8) Estimated amount of dollar benefits in excess of
20 dollar costs resulting from the program.

21 (9) The amount of appropriated funds expended on program
22 administration.

23 Section 8. Section 12 of the act, amended July 2, 1986
24 (P.L.341, No.78), is amended to read:

25 Section 12. Appropriation.

26 (a) Appropriation.--[The sum of \$20,720,000 is hereby
27 appropriated to the Department of Environmental Resources from
28 the Pennsylvania Economic Revitalization Fund for the fiscal
29 period July 1, 1986, to June 30, 1988. All funds from this
30 appropriation shall be expended by the Department of

1 Environmental Resources by June 30, 1988.] No more than [25%]
2 50% of [the] any funds available annually for this program may
3 be expended on [work experience] projects which are submitted by
4 local agencies and approved by the secretary. No more than 3% of
5 the funds available for this program may be expended on program
6 administration.

7 (b) Accounting procedures.--All funds expended or encumbered
8 under the appropriation in section 202 of the act of July 1,
9 1985 (P.L.722, No.10A), known as the Pennsylvania Economic
10 Revitalization Fund Appropriation Act of 1985, shall be credited
11 against the appropriation made herein.

12 Section 9. Section 12.1 of the act, added July 1, 1989
13 (P.L.119, No.25), is amended to read:

14 Section 12.1. Funding.

15 For the 1989-1990 fiscal year and thereafter, funds provided
16 for this program may be used for the following:

17 (1) Corpsmember and crewleader wages and authorized
18 benefits.

19 (2) Site development and materials.

20 (3) Funds available to local agencies shall be used to
21 pay no more than 75% of the cost of site development and
22 materials and up to 100% of the cost for corpsmember and
23 crewleader wages for projects which meet the requirements of
24 this act.

25 (4) Program administration.

26 (5) Corpsmember development and training activities and
27 supplies.

28 Section 10. The act is amended by adding a section to read:

29 Section 13.1. Expiration.

30 This act and the Pennsylvania Conservation Corps shall expire

1 June 30, 1997.

2 Section 11. Section 2216 of the act of April 9, 1929
3 (P.L.177, No.175), known as The Administrative Code of 1929, is
4 repealed.

5 Section 12. This act shall take effect immediately.