

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1289 Session of
1985

INTRODUCED BY PIEVSKY, MAY 29, 1985

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, DECEMBER 10, 1985

AN ACT

1 ~~Making an appropriation to Thomas Jefferson University of~~ <—
2 ~~Philadelphia, Pennsylvania, for the Children's Heart~~
3 ~~Hospital, Philadelphia, Pennsylvania.~~

4 PROVIDING FOR THE ESTABLISHMENT, IMPLEMENTATION AND <—
5 ADMINISTRATION OF A CUSTOMIZED JOB TRAINING PROGRAM; AND
6 IMPOSING ADDITIONAL POWERS AND DUTIES ON THE DEPARTMENT OF
7 EDUCATION.

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

10 ~~Section 1. The sum of \$1,263,000 is hereby appropriated to~~ <—
11 ~~Thomas Jefferson University of Philadelphia, Pennsylvania, for~~
12 ~~the Children's Heart Hospital, Philadelphia, Pennsylvania, for~~
13 ~~the fiscal year July 1, 1985, to June 30, 1986, in accordance~~
14 ~~with procedures developed by the Secretary of Public Welfare.~~
15 ~~Payment of this appropriation shall be made by the Secretary of~~
16 ~~Public Welfare in equal quarterly payments.~~

17 ~~Section 2. Thomas Jefferson University shall provide such~~
18 ~~information as may be necessary to carry out the provisions of~~
19 ~~this act and in such form and manner as the Department of Public~~

1 ~~Welfare shall prescribe.~~

2 ~~Section 3. This act shall take effect July 1, 1985, or, if~~
3 ~~enacted subsequent to that date, then immediately.~~

4 SECTION 1. SHORT TITLE.

<—

5 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE CUSTOMIZED
6 JOB TRAINING ACT.

7 SECTION 2. LEGISLATIVE INTENT.

8 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A CUSTOMIZED
9 JOB TRAINING PROGRAM BE ESTABLISHED TO MEET THE TRAINING NEEDS
10 OF THE STATE'S NEW AND EXPANDING BUSINESS BY ENHANCING THE
11 SKILLS OF THE WORKERS OF THIS COMMONWEALTH. IN SO DOING, FUNDING
12 SHALL BE DEDICATED TOWARDS TRAINING PROJECTS WHICH RESULT IN NET
13 NEW FULL-TIME EMPLOYMENT OPPORTUNITIES, SIGNIFICANT WAGE
14 IMPROVEMENTS, THE RETENTION OF OTHERWISE LOST JOBS OR OTHER
15 CONDITIONS WHICH WOULD OFFER SUBSTANTIAL ECONOMIC BENEFIT TO
16 THIS COMMONWEALTH. RECOGNIZING THAT MANY REGIONS OF THE STATE
17 REMAIN SEVERELY ECONOMICALLY DISTRESSED, CUSTOMIZED JOB TRAINING
18 PROGRAMS SHOULD ATTEMPT TO MEET THE SPECIAL JOB TRAINING NEEDS
19 OF THESE AREAS.

20 SECTION 3. DEFINITIONS.

21 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
22 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
23 CONTEXT CLEARLY INDICATES OTHERWISE:

24 "CAPITAL INVESTMENT." AN EXPENDITURE FOR LAND, BUILDINGS,
25 RENOVATIONS, MACHINERY AND EQUIPMENT WHICH IS DIRECTLY RELATED
26 TO THE NEED FOR THE PROPOSED TRAINING.

27 "CURRENT EMPLOYEE TRAINEE." AN INDIVIDUAL WHO IS CURRENTLY
28 EMPLOYED BY A PRIVATE COMPANY AND WHO IS ENROLLED IN A TRAINING
29 PROGRAM DESIGNED TO ENHANCE THAT INDIVIDUAL'S SKILLS AND
30 KNOWLEDGE NECESSARY FOR THAT INDIVIDUAL TO ASSUME A HIGHER LEVEL

1 POSITION, OR TO RETRAIN THE INDIVIDUAL IN ORDER THAT A JOB WHICH
2 WOULD HAVE OTHERWISE BEEN LOST COULD BE RETAINED.

3 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
4 COMMONWEALTH.

5 "DISLOCATED WORKER." A WORKER WHO MEETS ANY ONE OF THE
6 FOLLOWING CONDITIONS:

7 (1) HAS BEEN TERMINATED OR LAID OFF, OR WHO HAS RECEIVED
8 NOTICE OF TERMINATION OR LAYOFF, AND IS ELIGIBLE FOR OR HAS
9 EXHAUSTED UNEMPLOYMENT COMPENSATION BENEFITS.

10 (2) IS UNLIKELY TO RETURN TO THE INDUSTRY OR OCCUPATION
11 IN WHICH THE INDIVIDUAL WAS EMPLOYED.

12 (3) HAS BEEN TERMINATED OR RECEIVED NOTICE OF
13 TERMINATION AS A RESULT OF THE PERMANENT CLOSURE OR
14 RELOCATION OF A PLANT, FACILITY OR PLANT OPERATION IN WHICH
15 THE INDIVIDUAL WAS EMPLOYED.

16 (4) IS CHRONICALLY UNEMPLOYED.

17 (5) (I) HAS LIMITED OPPORTUNITIES FOR EMPLOYMENT IN THE
18 GEOGRAPHIC AREA IN WHICH THE INDIVIDUAL RESIDES; OR

19 (II) IS AN INDIVIDUAL WHO MAY FACE SUBSTANTIAL
20 BARRIERS TO EMPLOYMENT BECAUSE OF AGE.

21 "DISPLACED HOMEMAKER." A PERSON WHO MEETS ALL OF THE
22 FOLLOWING CRITERIA:

23 (1) HAS WORKED WITHOUT PAY AS A HOMEMAKER FOR HIS OR HER
24 FAMILY.

25 (2) IS NOT ADEQUATELY EMPLOYED.

26 (3) HAS HAD OR WOULD HAVE DIFFICULTY FINDING EMPLOYMENT.

27 (4) HAS DEPENDED ON THE INCOME OF A FAMILY MEMBER AND
28 HAS LOST THAT INCOME; OR IS OR HAS BEEN DEPENDENT ON
29 GOVERNMENTAL ASSISTANCE; OR HAS BEEN THE RECIPIENT OF
30 DISABILITY ASSISTANCE AND IS NO LONGER ELIGIBLE.

1 "ENTRY LEVEL TRAINEE." AN INDIVIDUAL WHO IS A PROSPECTIVE
2 EMPLOYEE OF A PRIVATE COMPANY AND IS ENROLLED IN A TRAINING
3 PROGRAM DESIGNED TO ENABLE THAT INDIVIDUAL TO OBTAIN AND RETAIN
4 AN ENTRY-LEVEL POSITION, PAYING AT LEAST THE CURRENTLY ALLOWABLE
5 MINIMUM WAGE.

6 "GRANT RECIPIENT." THE LOCAL EDUCATIONAL AGENCY RECEIVING
7 FUNDING FROM THE DEPARTMENT FOR THE PURPOSE OF JOB TRAINING.

8 "LOCAL EDUCATIONAL AGENCY." AN ELIGIBLE EDUCATIONAL AGENCY
9 AS DESIGNATED BY THE DEPARTMENT. THE TERM INCLUDES ANY OF THE
10 FOLLOWING PENNSYLVANIA INSTITUTIONS:

- 11 (1) AREA VOCATIONAL-TECHNICAL SCHOOLS.
- 12 (2) COMMUNITY AND JUNIOR COLLEGES.
- 13 (3) INTERMEDIATE UNITS.
- 14 (4) LICENSED PRIVATE/PROPRIETARY BUSINESS AND TRADE
15 SCHOOLS.
- 16 (5) PUBLIC SCHOOL DISTRICTS.
- 17 (6) STATE OR PRIVATE COLLEGES OR UNIVERSITIES.
- 18 (7) STATE-RELATED UNIVERSITIES.

19 "NET NEW JOBS." THE DIFFERENCE BETWEEN THE NUMBER OF
20 EMPLOYEES AT THE END OF A TRAINING PROJECT (EMPLOYEES ON THE
21 PAYROLL AT THE RELEVANT PRIVATE COMPANY LOCATIONS ON THE DATE OF
22 SUBMISSION OF A JOB TRAINING APPLICATION PLUS THOSE EMPLOYEES
23 TRAINING AND HIRED) AND THE PEAK NUMBER OF EMPLOYEES AT THOSE
24 LOCATIONS IN THE 12-MONTH PERIOD IMMEDIATELY PRIOR TO THE
25 SUBMISSION OF THE JOB TRAINING APPLICATION.

26 "PRIVATE COMPANY." ANY AGRICULTURAL, INDUSTRIAL,
27 MANUFACTURING OR RESEARCH AND DEVELOPMENT ENTERPRISE OR
28 ENTERPRISES, AS DEFINED IN SECTION 3 OF THE ACT OF MAY 17, 1956
29 (1955 P.L.1609, NO.537), KNOWN AS THE PENNSYLVANIA INDUSTRIAL
30 DEVELOPMENT AUTHORITY ACT.

1 "PUBLIC ASSISTANCE RECIPIENT." A PERSON WHO HAS QUALIFIED
2 FOR FEDERAL OR STATE PUBLIC ASSISTANCE PAYMENTS.

3 "TRAINING PROGRAM." A SYSTEMATIC PROGRAM, GENERALLY NO
4 LONGER THAN SIX MONTHS IN DURATION, DESIGNED TO PROVIDE A
5 TRAINEE WITH THE SKILLS AND KNOWLEDGE NECESSARY TO MEET A
6 PRIVATE COMPANY'S SPECIFICATIONS FOR A PARTICULAR OCCUPATION OR
7 TRADE, THE SUCCESSFUL COMPLETION OF WHICH RESULTS IN THE TRAINEE
8 BEING EMPLOYED FULL TIME BY THAT PRIVATE COMPANY. SUCH PROGRAMS
9 MAY INVOLVE CLASSROOM INSTRUCTION WITHIN THE AGENCY OR WITHIN
10 THE PRIVATE COMPANY PLANT, OR ON-THE-JOB TRAINING OR ANY
11 COMBINATION THEREOF.

12 "UNEMPLOYED INDIVIDUAL." A PERSON WHO HAS BEEN WITHOUT A JOB
13 FOR A PERIOD OF FOUR MONTHS, WHO WANTS TO WORK, AND WHO IS
14 AVAILABLE FOR WORK.

15 SECTION 4. POWERS AND DUTIES OF THE DEPARTMENT OF EDUCATION.

16 THE DEPARTMENT SHALL HAVE SOLE AUTHORITY FOR THE
17 ESTABLISHMENT, IMPLEMENTATION AND ADMINISTRATION OF THE
18 CUSTOMIZED JOB TRAINING PROGRAM. FUNDS PROVIDED THROUGH THIS ACT
19 SHALL BE USED EXCLUSIVELY FOR TRAINING GRANTS TO LOCAL
20 EDUCATIONAL AGENCIES ON BEHALF OF PRIVATE COMPANIES EITHER
21 LOCATING, EXPANDING OR STARTING UP IN PENNSYLVANIA. THE
22 DEPARTMENT SHALL BE RESPONSIBLE FOR ALL OF THE FOLLOWING:

23 (1) PROMULGATE SUCH REGULATIONS, DEVELOP SUCH FORMS AND
24 INSTITUTE SUCH PROCEDURES AS MAY BE NECESSARY TO IMPLEMENT
25 THIS ACT.

26 (2) APPROVE OR DISAPPROVE ANY REQUEST FOR GRANTS
27 ACCORDING TO THE PROCEDURES OUTLINED IN THIS ACT.

28 (3) REQUIRE SUCH INFORMATION AND RECORDS FROM EACH LOCAL
29 EDUCATIONAL AGENCY AS IT DEEMS NECESSARY.

30 SECTION 5. GRANT PROCEDURE.

1 (A) PRIVATE COMPANY COMMITMENTS.--AN APPLICATION FOR A GRANT
2 SHALL BE INITIATED BY A PRIVATE COMPANY WHICH IS LOCATING,
3 EXPANDING OR UPGRADING A FACILITY AND SHALL BE SUBMITTED TO A
4 LOCAL EDUCATIONAL AGENCY.

5 (B) ELIGIBILITY.--A COMPANY SEEKING A GRANT FOR CUSTOMIZED
6 JOB TRAINING MUST BE ABLE TO PROVIDE TO THE DEPARTMENT A
7 STATEMENT THAT DEMONSTRATES THAT BOTH THE TRAINING FOR WHICH A
8 GRANT IS TO BE MADE AND STATE FUNDS ARE NECESSARY FOR THE
9 LOCATION OF THE PRIVATE COMPANY, CREATION OF JOBS, EXPANSION OF
10 POSITIONS OR THE PRESERVATION OF OTHERWISE LOST JOBS. IT IS NOT
11 THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE A GRANT TO A
12 PRIVATE COMPANY THAT WOULD HAVE OTHERWISE CONDUCTED THE TRAINING
13 ITSELF.

14 (C) GRANT APPLICATIONS:

15 (1) THE LOCAL EDUCATIONAL AGENCY SHALL BE RESPONSIBLE
16 FOR:

17 (I) PREPARING AND SUBMITTING THE APPLICATION.

18 (II) PREPARING A DETAILED OUTLINE OF THE PROPOSED
19 TRAINING PROGRAM IN COOPERATION WITH THE PRIVATE COMPANY.

20 (III) CONTACTING THE LOCAL OFFICE OF EMPLOYMENT
21 SECURITY (OES) AND THE LOCAL COUNTY BOARD OF ASSISTANCE,
22 WHEN THE APPLICATION INCLUDES PLANS FOR TRAINING ENTRY-
23 LEVEL EMPLOYEES, TO SOLICIT REFERRALS OF CANDIDATES FOR
24 THE TRAINING PROGRAM. THE LOCAL EDUCATIONAL AGENCY SHALL
25 REQUEST WRITTEN CERTIFICATION FROM THE OFFICE OF
26 EMPLOYMENT SECURITY AND THE LOCAL COUNTY BOARD OF
27 ASSISTANCE THAT THERE ARE NOT UNEMPLOYED INDIVIDUALS,
28 CURRENTLY REGISTERED, WHO ARE ADEQUATELY TRAINED AND
29 AVAILABLE TO FILL POSITIONS FOR WHICH THE PRIVATE COMPANY
30 IS SEEKING TRAINING ASSISTANCE.

1 (IV) ASSURING COMPLIANCE WITH THE APPROVED CONTACT.

2 (V) MONITORING IN-SCHOOL, IN-PLANT OR ON-THE-JOB
3 TRAINING PROGRAMS.

4 (VI) PREPARING AND SUBMITTING REPORTS AS REQUIRED BY
5 THE DEPARTMENT.

6 (VII) MAINTAINING ACCURATE REPORTS TO SUBSTANTIATE
7 EXPENDITURES.

8 (2) THE PRIVATE COMPANY SHALL BE RESPONSIBLE FOR:

9 (I) ESTABLISHING CRITERIA FOR THE SELECTION OF
10 TRAINEES IN CONSULTATION WITH THE AGENCY.

11 (II) RECRUITMENT OF TRAINEES FOR THE ENTRY-LEVEL
12 CUSTOMIZED JOB TRAINING PROGRAM IN CONJUNCTION WITH THE
13 AGENCY, THE LOCAL OFFICE OF EMPLOYMENT SECURITY AND THE
14 LOCAL COUNTY BOARD OF ASSISTANCE.

15 (III) DETERMINING THE NUMBER OF INDIVIDUALS TO BE
16 TRAINED FOR THE AVAILABLE ENTRY-LEVEL POSITIONS. THIS
17 FIGURE MAY PROVIDE FOR REASONABLE ATTRITION DURING THE
18 TRAINING PERIOD.

19 (IV) FINAL SELECTION OF TRAINEES.

20 (V) REPORTING TO THE AGENCY ACCURATE TRAINING
21 RECORDS AND EXPENDITURE REPORTS UPON WHICH PAYMENTS CAN
22 BE DOCUMENTED AND AUDITS PERFORMED. PAYMENTS WILL BE
23 BASED ON DOCUMENTED EXPENDITURES.

24 (VI) SELECTION OF INDIVIDUALS FROM ITS CURRENT
25 WORKFORCE TO PARTICIPATE IN ANY UPGRADING COURSE. IN
26 MAKING SUCH SELECTION, THE PRIVATE COMPANY MUST ASSURE
27 THE LOCAL EDUCATIONAL AGENCY:

28 (A) THE POSITIONS FOR WHICH EMPLOYEES ARE BEING
29 UPGRADED ARE POSITIONS WHICH ARE NOT REGULARLY
30 AVAILABLE TO ENTRY-LEVEL EMPLOYEES, AND FOR WHICH

1 ADEQUATELY TRAINED PERSONS ARE NOT AVAILABLE WITHIN
2 THE PRIVATE COMPANY;

3 (B) THE POSITIONS FOR WHICH EMPLOYEES ARE BEING
4 UPGRADED OFFER HIGHER WAGES, WOULD HAVE BEEN LOST IF
5 CUSTOMIZED JOB RETRAINING HAD NOT BEEN CONDUCTED OR
6 ARE NECESSARY FOR THE COMPANY'S COMPETITIVENESS IN
7 THE MARKET;

8 (C) SUCCESSFUL COMPLETION OF THE UPGRADING
9 COURSE WILL RESULT IN CONTINUED EMPLOYMENT WITH THE
10 PRIVATE COMPANY IN THE OCCUPATION FOR WHICH THE
11 EMPLOYEE IS BEING UPGRADED; AND

12 (D) A CONCURRENT CAPITAL INVESTMENT WILL BE MADE
13 WHICH IS AT LEAST EQUAL TO THE COST OF THE PROPOSED
14 TRAINING PROGRAM AND DIRECTLY RELATED TO THE NEED FOR
15 UPGRADING OF POSITIONS, OR SUCH UPGRADING WILL CREATE
16 AN EQUAL NUMBER OF ENTRY-LEVEL POSITIONS.

17 SECTION 6. TRAINING PROGRAM REQUIREMENTS.

18 (A) TRAINING PLAN.--IN CONJUNCTION WITH ITS GRANT
19 APPLICATION, EACH AGENCY SHALL DEVELOP AND SUBMIT TO THE
20 DEPARTMENT A TRAINING PLAN. SUCH A TRAINING PLAN SHALL INCLUDE:

21 (1) A STATEMENT OF THE OBJECTIVES OF THE TRAINING
22 PROGRAM.

23 (2) THE NUMBER OF TRAINEES, ENTRY-LEVEL AND CURRENT
24 EMPLOYEES.

25 (3) A JOB DESCRIPTION FOR THE POSITION TO BE FILLED BY
26 THE TRAINEE AND THE EXPECTED WAGE EARNED UPON COMPLETION OF
27 THE TRAINING PROGRAM.

28 (4) A TIME SCHEDULE FOR THE COMPLETION OF THE TRAINING
29 PROGRAM.

30 (5) A DESCRIPTION OF THE FACILITIES USED FOR TRAINING.

1 (6) EVIDENCE OF CERTIFICATION BY THE OFFICE OF
2 EMPLOYMENT SECURITY.

3 (7) A STATEMENT OF THE EVALUATION CRITERIA TO BE USED TO
4 DETERMINE COMPETENCY ACHIEVEMENT OR AN EVALUATION OF
5 TRAINEES' PERFORMANCE ONCE THE TRAINING PROGRAM IS COMPLETED.

6 (B) REVIEW OF APPLICATION.--

7 (1) THE DEPARTMENT, WHEN REVIEWING APPLICATIONS FOR
8 TRAINING PROGRAMS, SHOULD CAREFULLY CONSIDER ALL OTHER
9 AVAILABLE RESOURCES, INCLUDING, BUT NOT LIMITED TO, PRIVATE
10 SECTOR FUNDS, OTHER STATE OR LOCAL AGENCY TRAINING PROGRAMS
11 OR FUNDS MADE AVAILABLE UNDER THE JOB TRAINING PARTNERSHIP
12 ACT (PUBLIC LAW 97-300, 96 STAT. 1322).

13 (2) THE DEPARTMENT SHALL ESTABLISH PRIORITIES FOR
14 AWARDING OF GRANTS. AFTER THE EXAMINATION OF THE POTENTIAL
15 RESULTS OF THE TRAINING PROPOSAL, PRIORITY SHALL BE GIVEN TO
16 A TRAINING PROGRAM WHICH SERVES A COMMUNITY IN WHICH THE
17 AVERAGE UNEMPLOYMENT RATE IN THE MOST RECENTLY COMPLETED
18 CALENDAR YEAR IS ABOVE THE STATEWIDE AVERAGE UNEMPLOYMENT
19 RATE FOR THE SAME PERIOD OR TO A STATE-DESIGNATED ENTERPRISE
20 ZONE.

21 (3) WITHIN 30 DAYS OF RECEIPT OF ITS APPLICATION, THE
22 DEPARTMENT SHALL PROVIDE EACH COMPANY AND LOCAL EDUCATIONAL
23 AGENCY WITH A LETTER OUTLINING THE CURRENT STATUS OF SAID
24 APPLICATION. THIS LETTER SHALL INCLUDE AN ASSESSMENT OF THE
25 COMPLETENESS OF THE APPLICATION, AN ESTIMATE OF THE AMOUNT OF
26 TIME REQUIRED FOR COMPLETION OF THE REVIEW AND THE
27 APPLICATION'S PRESENT LOCATION WITHIN THE PROCESS.

28 SECTION 7. CONTRACTED SERVICES.

29 (A) SUBCONTRACTS.--THE LOCAL EDUCATIONAL AGENCY MAY
30 SUBCONTRACT WITH A PARTICIPATING PRIVATE COMPANY OR A NONPROFIT

1 ORGANIZATION FOR PROVISION OF ALL OR A PORTION OF THE SERVICES
2 TO BE PROVIDED, AND FUNDS MAY BE ALLOCATED FROM THE AGENCY TO
3 THE SUBCONTRACTOR FOR SUCH PURPOSES.

4 (B) COMPLIANCE.--THE AGREEMENT FOR CONTRACTED SERVICES MUST
5 INCLUDE ALL PROVISIONS OUTLINED IN SECTION 5(C).

6 SECTION 8. COMPLIANCE WITH STATUTES AND COLLECTIVE BARGAINING
7 AGREEMENTS.

8 THE DEPARTMENT SHALL REQUIRE EACH PRIVATE COMPANY TO COMPLY
9 WITH APPROPRIATE STATE AND FEDERAL STATUTES AND REGULATIONS
10 GOVERNING EMPLOYMENT DISCRIMINATION, MINORITY RECRUITMENT,
11 MINIMUM OR PREVAILING WAGES, WORK SITE SAFETY AND PROCUREMENT
12 PRACTICES. THE DEPARTMENT SHALL REQUIRE EACH PRIVATE COMPANY TO
13 CERTIFY THAT THE TRAINING PROGRAM DOES NOT ABRIDGE ANY
14 CONTRACTUAL AGREEMENT BETWEEN THE PRIVATE COMPANY AND THE DULY
15 RECOGNIZED COLLECTIVE BARGAINING REPRESENTATIVE OF ITS
16 EMPLOYEES.

17 SECTION 9. FUNDING.

18 FUNDING WILL BE PROVIDED FROM AN ANNUAL APPROPRIATION BY THE
19 GENERAL ASSEMBLY.

20 (A) FUNDING SUPPORT.--

21 (1) CUSTOMIZED JOB TRAINING FUNDING FOR ENTRY LEVEL
22 TRAINING WILL BE USED TO SUPPORT THE TRAINING COSTS FOR NET
23 NEW JOBS. UP TO 80% OF THE ELIGIBLE ENTRY LEVEL TRAINING
24 COSTS WILL BE PROVIDED EXCEPT FOR THOSE PRIVATE COMPANIES
25 WHICH MEET ONE OF THE CONDITIONS OF THIS PARAGRAPH, IN WHICH
26 CASE 100% OF THE ELIGIBLE ENTRY LEVEL TRAINING COSTS WILL BE
27 PROVIDED.

28 (I) A PRIVATE COMPANY LOCATING IN THIS COMMONWEALTH.

29 (II) A PRIVATE COMPANY LOCATED IN THIS COMMONWEALTH

30 WHICH IS IN THE EARLY STAGES OF START-UP AND EXPECTS TO

1 PROVIDE A SUBSTANTIAL NUMBER OF NET NEW JOBS FOR THE
2 COMMONWEALTH.

3 (III) A PRIVATE COMPANY WHICH IS SEEKING TO EXPAND
4 AND WHERE THE ENTRY-LEVEL TRAINEES WILL BE AT LEAST 20%
5 PUBLIC ASSISTANCE RECIPIENTS, DISLOCATED WORKERS,
6 UNEMPLOYED INDIVIDUALS OR DISPLACED HOMEMAKERS.

7 (2) CUSTOMIZED JOB TRAINING FUNDING FOR ELIGIBLE UPGRADE
8 TRAINING COSTS SHALL NORMALLY NOT EXCEED 70% OF SUCH COSTS;
9 HOWEVER, THE DEPARTMENT MAY CHOOSE TO GRANT EXCEPTIONS WHEN
10 PROPOSED TRAINING IS CONSIDERED TO BE IN THE BEST ECONOMIC
11 DEVELOPMENT INTERESTS OF THIS COMMONWEALTH. PROPOSALS MUST
12 SHOW BOTH A CONCURRENT AND SIGNIFICANT CAPITAL INVESTMENT AT
13 LEAST EQUAL TO THE AMOUNT OF THE GRANT REQUESTED AND DIRECTLY
14 RELATED TO THE NEED FOR THE UPGRADING OF JOB POSITIONS OR
15 THAT THE UPGRADE TRAINING WILL RESULT IN THE CREATION OF AN
16 EQUAL NUMBER OF ENTRY-LEVEL JOB POSITIONS.

17 (B) LIMITATIONS ON FUNDING.--

18 (1) NO FUNDS USED FOR TRAINING GRANTS AWARDED UNDER THE
19 PROVISIONS OF THIS ACT SHALL CAUSE THE REDUCTION OF THE WORK
20 FORCE, THE DISPLACEMENT OF WORKERS EMPLOYED BY THE COMPANY
21 PRIOR TO THE COMMENCEMENT OF THE TRAINING PROGRAM OR CAUSE
22 THE VIOLATION OF ANY CONDITIONS OF EXISTING COLLECTIVE
23 BARGAINING AGREEMENT.

24 (2) NO FUNDS APPROPRIATED PURSUANT TO THIS ACT SHALL BE
25 USED FOR RETAIL JOB TRAINING.

26 (3) NO FUNDS WILL BE USED FOR TRAINING WHICH WILL NOT
27 RESULT IN FULL-TIME PERMANENT EMPLOYMENT.

28 (4) FUNDING FOR ENTRY-LEVEL TRAINING SHALL BE PROVIDED
29 ONLY TO THE EXTENT THAT QUALIFIED INDIVIDUALS, AS DETERMINED
30 BY THE OFFICE OF EMPLOYMENT SECURITY, ARE NOT AVAILABLE.

(5) FUNDS APPROPRIATED FOR TRAINING PROGRAMS UNDER THIS ACT ARE NOT INTENDED TO CAUSE, AID OR ASSIST IN THE RELOCATION OF ANY PRIVATE COMPANY OPERATION FROM ONE PART OF THE COMMONWEALTH TO ANOTHER.

(6) NO MORE THAN 20% OF THE FUNDS APPROPRIATED PURSUANT TO THIS ACT SHALL BE GRANTED TO PROJECTS IN ANY ONE COUNTY.

(C) REIMBURSEMENT FOR TRAINING.--THE FINAL REIMBURSEMENT TO THE LOCAL EDUCATIONAL AGENCY SHALL BE WITHHELD PENDING A FINAL PROGRAM REVIEW BY THE DEPARTMENT.

SECTION 10. REPORT TO THE GENERAL ASSEMBLY.

(A) REPORTING.--ON OR BEFORE MARCH 1 FOLLOWING THE ADOPTION OF THIS ACT AND IN EACH SUCCEEDING YEAR IN WHICH GRANTS ARE MADE, THE DEPARTMENT SHALL PROVIDE A REPORT TO THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES AND THE SECRETARY OF THE SENATE FOR DISTRIBUTION TO MEMBERS OF THE GENERAL ASSEMBLY FOR THE PRECEDING CALENDAR YEAR. THE REPORT SHALL CONTAIN, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(1) A LIST OF THE APPROVED TRAINING PROGRAMS, INCLUDING THE LOCAL EDUCATIONAL AGENCY PROVIDING THE TRAINING PROGRAM, THE NAME OF THE PRIVATE COMPANY, THE COST OF THE TRAINING PROGRAM, THE PERCENTAGE OF THE ELIGIBLE ENTRY LEVEL TRAINING COSTS PROVIDED, THE PERCENTAGE OF THE ELIGIBLE UPGRADE TRAINING COST PROVIDED, THE NUMBER OF NEW PRIVATE COMPANIES LOCATING IN PENNSYLVANIA, THE NUMBER OF PRIVATE COMPANIES WHICH ARE IN THE EARLY STAGES OF STARTUP AND THE NUMBER OF PRIVATE COMPANIES WHERE AT LEAST 20% OF THE TRAINEES ARE UNEMPLOYED, PUBLIC ASSISTANCE RECIPIENTS, DISLOCATED WORKERS OR DISPLACED HOMEMAKERS, THE AMOUNT OF PRIVATE INVESTMENT, NUMBER OF NEW JOBS, NUMBER OF INDIVIDUALS TRAINED, LOCATION OF THE TRAINING AND EMPLOYMENT, DATE OF SUBMISSION OF THE

1 APPLICATION BY THE AGENCY, ESTIMATED COMPLETION DATE OF
2 PROJECT, AND EVIDENCE OF SALARY UPGRADING WHERE APPROPRIATE.

3 (2) A LIST OF APPLICATIONS NOT APPROVED.

4 (3) A LIST OF PENDING APPLICATIONS.

5 (4) A LIST OF THE TRAINING PROGRAMS APPROVED AND
6 COMPLETED IN THE FISCAL YEAR PRIOR TO THE PRECEDING FISCAL
7 YEAR.

8 (5) IN ADDITION TO THE DATA REQUIRED ABOVE, THE
9 DEPARTMENT SHALL ACCUMULATE FROM THE AGENCIES THE FOLLOWING
10 DATA ON AN ANNUAL AND CUMULATIVE BASIS:

11 (I) THE NUMBER OF JOBS ACTUALLY CREATED AS A RESULT
12 OF THE TRAINING PROJECT.

13 (II) THE NUMBER OF PEOPLE WHO, 180 DAYS FOLLOWING
14 COMPLETION OF THE TRAINING PROGRAM, ARE FOUND TO BE
15 EMPLOYED BY THE COMPANY.

16 (6) AN OVERALL STATEMENT OF THE PROGRESS OF THE PROGRAM
17 DURING THE PRECEDING YEAR, ALONG WITH RECOMMENDATIONS FOR
18 IMPROVEMENTS.

19 (7) THE NUMBER OF UNEMPLOYED INDIVIDUALS, PUBLIC
20 ASSISTANCE RECIPIENTS, DISLOCATED WORKERS AND DISPLACED
21 HOMEMAKERS PARTICIPATING IN THE TRAINING PROGRAM.

22 SECTION 11. SANCTIONS.

23 ANY PRIVATE COMPANY, AFTER 180 DAYS FOLLOWING COMPLETION OF
24 THE TRAINING, WHICH IS FOUND TO BE IN VIOLATION OF A PROVISION
25 OF THE TRAINING PLAN MUST PAY TO THE COMMONWEALTH A DOLLAR
26 AMOUNT EQUAL TO THE PERCENTAGE OF WORKERS NOT EMPLOYED OR
27 UPGRADED ACCORDING TO THE OBJECTIVES STATED IN THE TRAINING
28 PLAN. THE DEPARTMENT SHALL ALLOW THE AGENCY OR PRIVATE COMPANY
29 FOUND TO BE IN VIOLATION OF THE EMPLOYMENT PROVISIONS A
30 REASONABLE PERIOD OF TIME TO APPEAL THE VIOLATION WHEN

1 CIRCUMSTANCES OF EMPLOYMENT OR EMPLOYMENT RETENTION ARE THOUGHT
2 TO BE BEYOND THE CONTROL OF THE LOCAL EDUCATIONAL AGENCY OR
3 PRIVATE COMPANY. AFTER THE APPEAL PROCESS HAS BEEN EXHAUSTED,
4 THE DEPARTMENT SHALL MAKE A DETERMINATION THAT PROVISIONS OF THE
5 TRAINING CONTRACT HAVE BEEN VIOLATED AND SHALL IMMEDIATELY TAKE
6 STEPS TO RECOVER FROM THE PRIVATE COMPANY OR AGENCY ANY DOLLAR
7 AMOUNTS DETERMINED TO BE PAYABLE TO THE COMMONWEALTH.

8 SECTION 12. RULES AND REGULATIONS.

9 (A) TEMPORARY EXEMPTION FROM REVIEW.--IN ORDER TO FACILITATE
10 THE SPEEDY IMPLEMENTATION OF THE PROGRAM, THE DEPARTMENT SHALL
11 HAVE THE POWER AND AUTHORITY TO PROMULGATE AND ADOPT AND USE
12 REGULATIONS THAT SHALL BE PUBLISHED IN THE PENNSYLVANIA
13 BULLETIN. THE REGULATIONS SHALL NOT BE SUBJECT TO REVIEW
14 PURSUANT TO SECTION 205 OF THE ACT OF JULY 31, 1968 (P.L.769,
15 NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, OR THE
16 ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY
17 REVIEW ACT, AND EXCEPT AS PROVIDED IN SUBSECTION (C), SHALL BE
18 EFFECTIVE FOR A PERIOD ENDING NOT LATER THAN JUNE 30, 1986.

19 (B) EXPIRATION OF EXEMPTION.--EXCEPT AS PROVIDED IN
20 SUBSECTION (C), AFTER THE EXPIRATION OF THE TEMPORARY EXEMPTION
21 PERIOD, ALL REGULATIONS SHALL EXPIRE AND SHALL BE REPLACED BY
22 REGULATIONS WHICH SHALL HAVE BEEN PROMULGATED, ADOPTED AND
23 PUBLISHED AS PROVIDED BY LAW.

24 (C) EXCEPTION.--REGULATIONS ADOPTED AND PURSUANT TO
25 SUBSECTION (A) MAY BE CONTINUED IN EFFECT IF THE LEADERSHIP
26 COMMITTEE CREATED PURSUANT TO SECTION 3 OF THE ACT OF DECEMBER
27 22, 1981 (P.L.508, NO.142), KNOWN AS THE SUNSET ACT, EXTENDS THE
28 REGULATIONS.

29 SECTION 13. REQUIREMENTS OF OTHER ACTS.

30 ENACTMENT OF THIS ACT SHALL BE DEEMED TO MEET THE

1 REQUIREMENTS FOR ENACTMENT OF A CUSTOMIZED JOB TRAINING ACT BY
2 THE GENERAL ASSEMBLY UNDER SECTION 211 OF THE ACT OF JUNE 30,
3 1985 (P.L. , NO.5A), KNOWN AS THE GENERAL APPROPRIATION ACT OF
4 1985, AND THE DEPARTMENT IS HEREBY AUTHORIZED TO EXPEND ALL
5 FUNDS REMAINING UNEXPENDED, UNCOMMITTED OR UNENCUMBERED IN
6 ACCORD WITH THE PROVISIONS OF THIS ACT.
7 SECTION 14. EFFECTIVE DATE.
8 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.