

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

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

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

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

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

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

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

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

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

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

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

29 Section 7. Section 10 of the act, amended July 1, 1989  
30 (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.