

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1473 Session of
2013

INTRODUCED BY THOMAS, KOTIK, BISHOP, CALTAGIRONE, YOUNGBLOOD,
MIRANDA AND COHEN, JUNE 3, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 3, 2013

AN ACT

1 Amending the act of December 18, 2001 (P.L.949, No.114),
2 entitled, as amended, "An act establishing a unified
3 workforce investment system; restructuring certain
4 administrative functions, procedures and entities;
5 transferring workforce development functions of Commonwealth
6 agencies; establishing the Pennsylvania Workforce Investment
7 Board; providing for critical job training grants, for
8 guarantees for program quality and performance for workforce
9 development programs, for workforce leadership grants and for
10 industry partnerships; establishing the Keystone Works
11 Program; and authorizing local workforce investment boards,"
12 in Keystone Works Program, further providing for definitions,
13 for program, for administration, for workers' compensation,
14 for eligibility, for business incentives, for performance
15 evaluation system and for annual report.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 1401 of the act of December 18, 2001
19 (P.L.949, No.114), known as the Workforce Development Act, added
20 July 5, 2012 (P.L.970, No.107), is amended by adding a
21 definition to read:

22 Section 1401. Definitions.

23 The following words and phrases when used in this chapter
24 shall have the meanings given to them in this section unless the

context clearly indicates otherwise:

* * *

"Graduate." A Pennsylvania resident who has graduated from high school, obtained a Graduate Equivalency Degree (GED) or obtained an undergraduate degree from an accredited institution of higher learning within the last four years.

* * *

Section 2. Section 1402 (c) and (d) of the act, added July 5, 2012 (P.L.970, No.107), are amended and the section is amended by adding a subsection to read:

Section 1402. Program.

* * *

(b.1) Graduates.--A graduate may voluntarily enroll in the program and shall be qualified for training if all of the following apply:

(1) The department determines that the graduate's education background is an appropriate match with a job opening at a participating business.

(2) The claimant certifies to the department, in writing subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), that the claimant:

(i) will provide information and documentation to the department as requested; and

(ii) will cooperate with requests from the department for evaluation of aspects of the program.

(c) Businesses.--The following are required for a business to be eligible to provide training under the program.

(1) The business must satisfy all of the following criteria:

(i) The business has a job opening to which a

1 claimant or graduate may be matched by the department.

2 (ii) The business will register with the
3 Pennsylvania CareerLink system.

4 (iii) The business will provide bona fide training
5 to the claimant or graduate for the job opening.

6 (iv) Upon completion of the training period, the
7 business will consider the claimant or graduate for
8 employment in the job opening for which the claimant or
9 graduate was trained.

10 (v) If the business hires the claimant upon
11 completion of the training period, the claimant will
12 perform services in "employment" within the meaning of
13 the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897,
14 No.1), known as the Unemployment Compensation Law.

15 (vi) The claimant or graduate will not work in a
16 contract or self-employment capacity for the business.

17 (vii) The business and individuals or entities
18 associated with the business will not provide a
19 participating claimant with any form of compensation,
20 cash or otherwise, for participation in training under
21 the program.

22 (vii.1) The business and individuals or entities
23 associated with the business shall provide a
24 participating graduate with compensation equal to or
25 exceeding the minimum wage while participating in
26 training under the program.

27 (viii) The business will not provide training under
28 the program while a work stoppage attributable to a labor
29 dispute is in effect.

30 (ix) The business will not provide training while

1 concurrently participating in a shared-work program under
2 Article XIII of the Unemployment Compensation Law.

3 (x) Providing training under the program and hiring
4 the claimant or graduate upon completion of training
5 would not violate a collective bargaining agreement.

6 (xi) Providing training under the program and hiring
7 the claimant or graduate upon completion of training
8 would not displace or adversely impact existing
9 employees.

10 (xii) The business will cooperate with requests from
11 the department for information and documentation related
12 to the program.

13 (2) The business must satisfy any additional criteria
14 established by the department in administering the program.
15 This paragraph includes imposing conditions on participating
16 businesses to ensure that an appropriate number of claimants
17 or graduates participating in the program receive offers of
18 suitable long-term employment.

19 (3) The business must certify in a writing subject to 18
20 Pa.C.S. § 4904 that all requirements of this subsection are
21 or will be satisfied.

22 (4) The business must not be disqualified under
23 subsection (d) (2) (iii).

24 * * *

25 (d) Description.--

26 (1) The department shall match claimants or graduates
27 with businesses that have job openings and are willing to
28 provide training for the corresponding high-priority
29 occupations.

30 (1.1) When a graduate is matched with a business, the

1 business shall provide the claimant a maximum of 24 hours of
2 paid training per week, for a maximum of eight weeks.

3 (2) When a claimant is matched with a business, the
4 business shall provide the claimant a maximum of 24 hours of
5 unpaid training per week, for a maximum of eight weeks. At
6 the end of the training period, the following apply:

7 (i) The business shall consider the claimant or
8 graduate for employment in the job opening.

9 (ii) The business is not required to hire the
10 claimant or graduate.

11 (iii) The department shall disqualify from
12 participation in the program any employer showing a
13 pattern of acting in bad faith regarding job offers.

14 A claimant or graduate who is participating in training may
15 opt to discontinue participation in the program.

16 Section 3. Sections 1403, 1404(c), 1405, 1406(a), 1407 and
17 1407.1 of the act, added July 5, 2012 (P.L.970, No.107) are
18 amended to read:

19 Section 1403. Administration.

20 The department has the following powers and duties under the
21 program:

22 (1) Establish guidelines and applications it deems
23 necessary for the administration of the program.

24 (2) Provide notice to businesses and claimants or
25 graduates regarding eligibility for and participation in the
26 program.

27 (3) Develop policies and procedures to register eligible
28 businesses and eligible claimants or graduates for the
29 program.

30 (4) Develop policies and procedures to review

1 applications.

2 (5) Develop policies and procedures to match claimants
3 or graduates with businesses that have job openings for
4 training under the program.

5 (6) Develop policies and procedures to provide
6 participating claimants or graduates and businesses with
7 administrative remedies for department determinations.

8 Section 1404. Workers' compensation.

9 * * *

10 (c) Computation of claimant's wage.--For the purposes of
11 computing an approved claimant's wage compensation and benefit
12 amount under the Workers' Compensation Act:

13 (1) the average weekly wage shall be the claimant's
14 maximum weekly unemployment compensation benefit rate for the
15 benefit year in effect at the time of injury; and

16 (2) the unemployment compensation benefit offset
17 permitted under section 204(a) of the Workers' Compensation
18 Act shall not apply.

19 Section 1405. Eligibility.

20 Notwithstanding any other law, a claimant's or graduate's
21 participation in the program, option to discontinue
22 participation in the program, termination from the program by a
23 participating business or completion of the program shall not
24 affect the eligibility of the claimant or graduate to receive
25 unemployment compensation if the claimant or graduate remains
26 eligible to receive those benefits under the act of December 5,
27 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
28 Unemployment Compensation Law.

29 Section 1406. Business incentives.

30 (a) Eligibility.--Subject to the availability of funding

under subsection (b), if, at the end of a training period, a business hires a claimant or graduate for a job opening under section 1402(d), the business is eligible to receive incentive payments in the amount of \$375 for each period of four consecutive workweeks the claimant or graduate remains employed at a minimum of 35 hours per week, for up to four consecutive periods of four consecutive workweeks and for a maximum of \$1,500 total incentive payments.

* * *

Section 1407. Performance evaluation system.

The department shall develop and implement an evaluation and performance improvement system which does the following:

(1) Collects critical information on an annual basis or more frequently as determined by the department, including:

(i) Increases in claimant or graduate skills.

(ii) Skill training being provided by businesses.

(iii) Placement of claimants or graduates after training.

(iv) Challenges foreseen by businesses.

(v) Business training best practices.

(vi) Amount of weeks claimants or graduates received unemployment compensation benefits after completion of the training period.

(2) Defines the benefits of the program and its training to businesses, claimants, graduates and the Unemployment Compensation Fund.

Section 1407.1. Annual report.

No later than July 1 of each year, the department shall submit an annual report to the chairman and minority chairman of the Labor and Industry Committee of the Senate and to the

1 chairman and minority chairman of the Labor and Industry
2 Committee of the House of Representatives providing all data
3 available on the operation of the program during the prior year.
4 The report shall include, but not be limited to, claimant,
5 graduate and business participation, administrative costs,
6 relevant data, facts and statistics and any other information
7 that the department believes necessary in the content of the
8 report that is available.

9 Section 4. This act shall take effect immediately.