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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 374 Session of  
1989

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INTRODUCED BY RAYMOND, BORTNER, BUNT, TRELLO, J. TAYLOR, THOMAS,  
GEIST AND CIVERA, FEBRUARY 8, 1989

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REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 8, 1989

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AN ACT

1 Establishing administrative requirements for the Job Service in  
2 this Commonwealth.

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 Job Service  
7 Act.

8 Section 2. Definitions.

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

12 "Department." The Department of Labor and Industry of the  
13 Commonwealth.

14 "Economic development program." Any program administered by  
15 a governmental agency to improve the economic environment of  
16 this Commonwealth. The term includes, but is not limited to,  
17 programs directed toward improving the competitive position and

1 comparative advantage of Commonwealth companies in national and  
2 international markets, assisting in the development of new  
3 commercial enterprises, strengthening and improving  
4 Pennsylvania's work force, and improving the economic  
5 infrastructure necessary to support long-term economic growth.

6 "Governmental agency." Any department, board, commission or  
7 any other agency of the Commonwealth or instrumentality thereof  
8 or any political subdivision or instrumentality thereof.

9 "Job center." A facility at a single location that offers a  
10 range of employment, training, rehabilitation, education,  
11 welfare and other citizen services.

12 "Job Service." The State public employment service and  
13 related programs administered by the Department of Labor and  
14 Industry to maintain public employment offices that provide  
15 basic labor exchange services to the general public and  
16 employers, as provided for under the Wagner-Peyser Act (48 Stat.  
17 113, 29 U.S.C. § 49 et seq.).

18 "Public employment offices." A public employment office  
19 operated by the Department of Labor and Industry.

20 "Secretary." The Secretary of Labor and Industry of the  
21 Commonwealth.

22 Section 3. National employment system.

23 The Commonwealth accepts the provisions of the Wagner-Peyser  
24 Act (48 Stat. 113, 29 U.S.C. § 49 et seq.).

25 Section 4. Duties of department.

26 (a) Designated agency.--The department is designated as the  
27 Commonwealth agency to cooperate with the United States  
28 Employment Service under the act of Congress, and the department  
29 shall have full authority to do all things necessary to effect  
30 such cooperation.

1 (b) Employment offices established.--The department shall  
2 establish and maintain free public employment offices in such  
3 number and in such places as are necessary for the proper  
4 administration for the purposes of performing the functions  
5 established by the Wagner-Peyser Act (48 Stat. 113, 29 U.S.C. §  
6 49 et seq.).

7 (c) Annual report.--By January 15 of each year, the  
8 department shall provide a written report of the status of the  
9 Job Service to the Governor, the Chief Clerk of the House of  
10 Representatives, the Secretary of the Senate and other  
11 interested persons. The report shall contain, at a minimum, the  
12 following:

13 (1) The total number of individuals registered with the  
14 Job Service, the number of individuals placed in employment  
15 positions, the percentage of those registered who are placed  
16 in employment positions, the wage rate listed for the  
17 positions filled and, when available, the actual placement  
18 wage.

19 (2) The number of employment positions listed with the  
20 Job Service by occupational category.

21 (3) A comparison between the figures stated in  
22 paragraphs (1) and (2) and those same figures for the  
23 previous program year.

24 (4) Information including, but not limited to, budget  
25 projections regarding department initiatives directed towards  
26 the administration of this act.

27 (5) The testing and counseling activity for the report  
28 year, including, but not limited to, an explanation of each  
29 testing activity being conducted and its relationship to the  
30 types of employment positions for which the tests were

1 utilized, the number of tests given and the total number of  
2 applicants tested. This shall include an explanation of  
3 counseling services provided, particularly as they relate to  
4 the testing of applicants, and the total number of applicants  
5 counseled. Additionally, this shall include activities in  
6 these areas planned for the current program year.

7 (6) A reporting of all moneys received and expended by  
8 the Job Service.

9 (d) Other functions.--The department shall perform and  
10 coordinate functions as provided in the act of December 5, 1936  
11 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
12 Compensation Law.

13 (e) Regulations.--The department shall promulgate  
14 regulations to carry out the provisions of this act.

15 Section 5. Budget process.

16 All moneys or other property received by the department from  
17 the Federal Government, for the purposes specified in section  
18 7(a) of the Wagner-Peyser Act (48 Stat. 113, 29 U.S.C. § 49 et  
19 seq.), shall be deposited in the administration fund established  
20 by the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897,  
21 No.1), known as the Unemployment Compensation Law, and shall be  
22 subject to the provisions of section 214 of Article II and the  
23 provisions of Article VI of the act of April 9, 1929 (P.L.177,  
24 No.175), known as The Administrative Code of 1929. After annual  
25 appropriation by the General Assembly, the department shall use  
26 these moneys to pay costs required for the administration and  
27 operation of this act. These moneys may be used solely for the  
28 administration of this act and as allowed by the Wagner-Peyser  
29 Act.

30 Section 6. Advisory council.

1       (a) Establishment.--The secretary shall establish a Job  
2 Service Advisory Council for the purpose of participating in the  
3 formulation of policies and discussing problems related to  
4 employment and employment issues as they relate to the  
5 operations and services of the Job Service. The secretary may  
6 use the council established in the Job Training Partnership Act  
7 (Public Law 97-300, 96 Stat. 1322) to carry out the purposes of  
8 this section, in which case, where there is a conflict with the  
9 requirements, the requirements of the Job Training Partnership  
10 Act will take precedence.

11       (b) Membership.--The council shall consist of 17 members as  
12 follows:

13           (1) The secretary or his designee.

14           (2) The Secretary of the Department of Public Welfare or  
15 his designee.

16           (3) The Secretary of Education or his designee.

17           (4) The Secretary of Commerce or his designee.

18           (5) Four members of the General Assembly or their  
19 designees, two to be appointed by the Speaker of the House of  
20 Representatives, one from the majority party and one from the  
21 minority party, and two to be appointed by the President pro  
22 tempore of the Senate, one from the majority party and one  
23 from the minority party.

24           (6) One member representing the general public.

25           (7) Two members representing business and industry.

26           (8) Two members representing labor.

27           (9) One member representing private employment agencies.

28           (10) One member representing veterans who shall himself  
29 be a veteran.

30           (11) One member representing vocational rehabilitation.

1           (12) One member representing job training.

2           (c) Terms.--Initially, the secretary shall designate four  
3 members to serve one-year terms, four to serve two-year terms,  
4 four to serve three-year terms and four to serve four-year  
5 terms. Thereafter, all members shall serve for four years and  
6 until their successors have been appointed and qualified, but in  
7 no event more than 90 days beyond the expiration of their  
8 appointed terms. The terms of members of the council who are  
9 appointed by virtue of holding State offices or as members of  
10 the General Assembly shall continue as long as they remain in  
11 those offices. Any vacancy of the council shall be filled for  
12 the remainder of the unexpired term, in the same manner as the  
13 original appointments.

14          (d) Compensation.--Members of the council shall serve  
15 without compensation but shall be entitled to receive reasonable  
16 and necessary expenses which are actually incurred in the  
17 performance of their official duties.

18          (e) Meetings.--The council shall meet at least quarterly and  
19 at other times as necessary.

20          (f) Election of officers.--The council shall elect annually,  
21 from its own members, a chairman and such other officers as it  
22 deems necessary. Nine members shall constitute a quorum for  
23 purposes of conducting the business of the council.

24          (g) Location of meetings.--The council shall meet in  
25 locations designated by the chairman.

26          (h) Responsibilities for review of plans.--The secretary  
27 shall provide, prior to their completion, the annual report  
28 required by section 4(c) and the coordination plan required by  
29 section 7(a) to the members of the council, who shall review the  
30 plan and report and notify the secretary in writing of the

1 council's comments. These comments will be attached as an  
2 appendix to the plan and report.

3 Section 7. Coordination.

4 (a) Coordination plan.--The department shall biennially  
5 develop a coordination plan pertaining to interaction with  
6 existing public and private employment and training and economic  
7 development programs. This plan shall include, but is not  
8 limited to, specific coordination activities to be pursued  
9 between the programs. This coordination plan shall be presented  
10 to the Governor, the Chief Clerk of the House of Representatives  
11 and the Secretary of the Senate, and shall be available to other  
12 interested persons by May 15 of each year in which it is  
13 developed.

14 (b) Job centers.--The department may establish a job center  
15 network program to coordinate and/or collocate the resources of  
16 the Job Service with other employment and training resources,  
17 including, but not limited to, those of the Job Training  
18 Partnership Act and the Office of Vocational Rehabilitation.  
19 Wherever feasible, the resources of other Federal, State, local  
20 and community employment, training and support service programs  
21 may be coordinated through a local job center. Specific services  
22 coordinated at each local job center may reflect that  
23 community's specific employment and training needs. In the first  
24 annual report developed after the establishment of a job center  
25 network program, the department shall include the results of an  
26 evaluation of the benefits derived from the initiation of such a  
27 network. The annual activities of these centers, including, but  
28 not limited to, the service provided and the costs incurred,  
29 shall be included in the annual report as required by section  
30 4(c).

1 Section 8. Economic development.

2 All governmental agencies administering economic development  
3 programs or employment training programs in this Commonwealth  
4 shall require participants who receive Commonwealth funds under  
5 such programs to list their employment and their training  
6 openings with the Job Service.

7 Section 9. Effective date.

8 This act shall take effect in 60 days.