

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 41

Session of
1993

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STEIGHNER, RUDY, GEIST, LUCYK, FREEMAN AND KASUNIC,
JANUARY 27, 1993

REFERRED TO COMMITTEE ON RULES, JANUARY 27, 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

1 of a community that is engaged in meeting human, educational or
2 environmental community needs.

3 "Corps." The Pennsylvania Conservation Corps.

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

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

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

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

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

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

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

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

1 Community Affairs and Department of Labor and Industry.

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

3 Section 3. Pennsylvania Conservation Corps created.

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

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

9 Section 4. Duties of the secretary.

10 The secretary shall:

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

13 (2) Employ crewleaders pursuant to section 8.

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

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

1 lands or facilities that will result in a future public value
2 [and] or have a potential for future revenue yield.

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

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

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

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

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

1 or provide corpsmember training.

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

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

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

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

17 (a) Purpose.--

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

28 (2) Projects developed may include fee-for-service
29 projects with other State and local agencies and community-
30 based nonprofit agencies. Fees for service will be retained

1 by the department for use in the corps program. Fee-for-
2 service projects may not be entered into with for-profit
3 agencies, nor may any fee-for-service project displace any
4 other workers.

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

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

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

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

1 each project[.] and the savings in other public expenditures
2 that are provided by virtue of the project.

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

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

1 (e) Standards.--Work sites of [work experience] projects
2 shall conform to appropriate health and safety standards.

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

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

9 Section 6. Eligibility for program.

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

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

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

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

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

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

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

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

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

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

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

29 Section 7. Compensation.

30 (a) Term of [employment] enrollment.--Corpsmembers shall be

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

13 (b) Minimum wage.--Corpsmembers shall receive an hourly wage
14 no less than the State minimum wage as provided for by the act
15 of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage
16 Act of 1968. [Corpsmen] Corpsmembers serving a second six-month
17 term shall receive additional hourly compensation of at least
18 [5%] 10%.

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

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

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

22 Section 8. Supervisors.

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

28 (b) Funding.--If it is determined by the secretary that
29 supervision of corpsmembers is necessary to carry out corps
30 projects in the department or other State or local agencies,

1 funds] (a) Funding.--Funds available for this program may be
2 expended to pay the wages of crewleaders who shall supervise
3 corpsmembers as prescribed by the department.

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

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

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

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

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

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

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

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

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

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

1 (P.L.119, No.25), is amended to read:

2 Section 10. Annual report.

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

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

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

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

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

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

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

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

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

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

24 Section 8. Section 12 of the act, amended July 2, 1986

25 (P.L.341, No.78), is amended to read:

26 Section 12. Appropriation.

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

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

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

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

15 Section 12.1. Funding.

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

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

20 (2) Site development and materials.

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

26 (4) Program administration.

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

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

30 Section 13.1. Expiration.

1 This act and the Pennsylvania Conservation Corps shall expire
2 June 30, 1997.

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

6 Section 12. This act shall take effect immediately.