

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 798 Session of
1997

INTRODUCED BY WILT, ARGALL, BAKER, FARGO, McNAUGHTON, LLOYD,
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GORDNER, HERMAN, KAISER, SHANER, RUBLEY, YEWCIC, CLYMER,
FAIRCHILD AND HENNESSEY, MARCH 12, 1997

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 12, 1997

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 work
5 experience projects, for program eligibility, for
6 compensation and for supervisors; providing for volunteers;
7 further providing for annual reports, for appropriations, for
8 funding and for expiration.

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

11 Section 1. Sections 2, 4, 5(a)(1), (2) and (5) and (d), 6, 7
12 and 8 of the act of July 2, 1984 (P.L.561, No.112), known as the
13 Pennsylvania Conservation Corps Act, amended July 2, 1993
14 (P.L.350, No.49), are amended to read:

15 Section 2. Definitions.

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

19 "Community-based agency." A private, nonprofit organization

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

4 "Corps." The Pennsylvania Conservation Corps.

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

7 "Corpsmember development and training." General equivalency
8 degree preparation, adult basic education, literacy instruction,
9 vocational-technical classes, community college courses, life
10 skills instruction, specialized academic and technical training,
11 job search workshops, mentoring, ability assessment and other
12 similar activities designed to improve the job skills and
13 employability of corpsmembers.

14 "Crewleader." A participant in the corps who is employed to
15 supervise corpsmembers pursuant to criteria set forth in section
16 8(c).

17 "Department." The Department of Labor and Industry.

18 "Human service projects." Projects which involve
19 conservation work and the direct delivery of services which
20 promote the well-being of children, the elderly, persons with
21 physical and developmental disabilities or persons with low
22 incomes.

23 "Local agency." Any political subdivision located within
24 this Commonwealth.

25 "Secretary." The Secretary of Labor and Industry.

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

30 "State agencies." The Pennsylvania Fish and Boat Commission,

1 Game Commission, Historical and Museum Commission, Department of
2 [Environmental] Conservation and Natural Resources, Department
3 of Public Welfare, Department of Corrections, Department of
4 Education, Department of Aging, Department of Military Affairs,
5 Pennsylvania Emergency Management Agency, Department of
6 Community [Affairs] and Economic Development and Department of
7 Labor and Industry.

8 Section 4. Duties of the secretary.

9 The secretary shall:

10 (1) Enroll eligible participants pursuant to section 6.

11 (2) Employ crewleaders pursuant to section 8.

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

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

1 yield.

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

5 (6) Execute contracts with State and local agencies
6 containing any terms and conditions deemed necessary and
7 desirable for the enrollment of corpsmembers in approved work
8 experience projects; and, in the case of [job search skills,
9 job application skills and ability assessments] corpsmember
10 development and training, execute contracts or cooperative
11 agreements with Federal agencies, State [or] agencies, local
12 agencies, persons, firms, partnerships, associations or
13 corporations for the provisions 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 enrollment of corpsmembers in
10 cities of the first class for projects designed to repel or
11 remove graffiti or other institutional vandalism. The
12 secretary may contract directly with not-for-profit agencies
13 and organizations which shall be eligible for funding
14 provided pursuant to section 12.1.

15 Section 5. Work experience projects.

16 (a) Purpose.--

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

28 (2) Projects developed may include fee-for-service
29 projects with other Federal agencies, State agencies and
30 local agencies and community-based nonprofit agencies which

1 are qualified under section 501(c)(3) of the Internal Revenue
2 Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)). Fees
3 for service will be retained by the department for use in the
4 corps program. Fee-for-service projects may not be entered
5 into with for-profit agencies nor may any fee-for-service
6 project displace any other workers.

7 * * *

8 (5) [Job] Corpsmember development and training may be
9 provided directly by the agency administering the work
10 experience project or by other agencies as provided in
11 subsection (d).

12 * * *

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

30 * * *

1 Section 6. Eligibility for program.

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

4 (1) [Between the ages of 16] At least 18 years of age
5 and [25] less than 26 years of age, with the following
6 exceptions:

7 (i) An individual 16 years of age may participate if
8 enrolled in an approved school-to-work transition
9 program.

10 (ii) An individual 17 years of age may participate
11 if the individual:

12 (A) is enrolled in an approved school-to-work
13 program;

14 (B) has graduated from high school; or

15 (C) has attained academic potential, as
16 certified by the chief administrator of the school
17 attended by the individual.

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

20 (3) Registered with the local Job Center for employment.

21 (4) Physically and mentally capable of performing labor
22 intensive work.

23 (5) Able to provide assurance that they did not leave
24 school for the purpose of participating in the program.

25 (b) Referrals.--Eligibility for corpsmembers shall be
26 determined by the Job Centers which shall refer eligible
27 participants to the department. For referral purposes, the 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 other
3 youth and human service organizations for purposes of enrolling
4 applicants in corps programs. The Job Centers shall refer
5 applicants by order of classification, giving first priority to
6 applicants between the ages of [16] 18 and 21 whose eligibility
7 is based on financial status as required by joint or separate
8 employment programs of the Federal and State governments. If the
9 number of corps jobs is insufficient to employ all eligible
10 individuals who apply for participation in the program, the Job
11 Centers may provide the names of these eligible individuals to
12 private sector employers or to job training programs requesting
13 referrals, so long as the individuals referred agree to the
14 referral being provided.

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

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

25 Section 7. Compensation.

26 (a) Term of enrollment.--Corpsmembers shall be enrolled for
27 a period of [six months] one year. At the option of the
28 department, [corpsmembers] a corpsmember who [have] has
29 successfully completed [their six-month] a one-year term may be
30 enrolled for [a second] up to two additional six-month [term]

1 terms. The department shall refer the names of corpsmembers who
2 successfully complete their service in the corps to the Job
3 Centers for assistance in securing private sector employment or
4 for enrollment in additional job training programs. The
5 department may also provide the names of participants who
6 successfully complete their service in the corps to private
7 sector employers requesting referrals, with the approval of the
8 participant.

9 (b) Minimum wage.--Corpsmembers shall receive an hourly wage
10 no less than the State minimum wage as provided for by the act
11 of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage
12 Act of 1968. Corpsmembers [serving a second six-month term] who
13 have successfully completed their first six months in the
14 program shall receive additional hourly compensation of at least
15 10%.

16 (c) Benefits.--Corpsmembers shall not be entitled to any
17 employee benefits provided to existing employees of the
18 department or other agencies except for paid Commonwealth
19 holidays and workmen's compensation coverage which shall be
20 provided through the funds appropriated to carry out this act,
21 nor shall service as a corpsmember qualify an individual for
22 benefits under the act of December 5, 1936 (2nd Sp.Sess., 1937
23 P.L.2897, No.1), known as the Unemployment Compensation Law.
24 Corpsmembers who complete [six months] one year in the corps
25 will be entitled to a [\$500] \$1,000 bonus. Corpsmembers who
26 complete [12] six months in the program will be entitled to [an
27 additional] draw up to \$500 [bonus at the end of their second
28 six months in] of their prospective bonuses to pay for
29 corpsmember development and training the cost of which is too
30 expensive to be covered entirely by the program.

1 (d) Work hours.--Corpsmembers shall be scheduled to work the
2 standard work hours of the department or of the State agency or
3 local agency sponsoring the work experience project. In no
4 instance shall corpsmembers be scheduled to work more than 40
5 hours per week. Corpsmembers may request and shall be excused as
6 necessary for a maximum of [260] 250 hours per [six-month] one-
7 year term of enrollment from scheduled work hours to participate
8 in [adult education, job] corpsmember development and training
9 [and placement services] which the department determines to be
10 appropriate and [are] in accordance with the provisions of this
11 act. Corpsmembers shall be compensated as set forth in
12 subsection (b) for participating in [job] corpsmember
13 development and training [and placement services] which the
14 department determines [are] to be in accordance with the
15 provisions of this act.

16 Section 8. Supervisors.

17 (a) Funding.--Funds available for this program may be
18 expended to pay the wages of crewleaders who shall supervise
19 corpsmembers as prescribed by the department.

20 (b) Crewleader criteria.--Persons eligible to be hired as
21 crewleaders by the department shall be men and women who are:

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

24 (2) Registered with the local Job Center for employment.

25 (3) Physically and mentally capable of performing labor
26 intensive work and supervisory duties.

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

30 (c) [Six-month term.--Crewleaders] Term of employment.--A

1 crewleader [may] shall be employed by the department for a
2 period [that may exceed the six-month limit established for
3 corpsmembers.] of one year. At the option of the department, a
4 crewleader who has successfully completed a one-year term of
5 service may be extended for subsequent one-year terms.

6 (d) Hourly wage.--Crewleaders shall receive an hourly wage
7 that exceeds the hourly wage of corpsmembers by a minimum of
8 \$5.00.

9 (e) Benefits.--Crewleaders shall not be entitled to any
10 employee benefits provided to existing employees of the
11 department or of other State agencies or local agencies except
12 for paid Commonwealth holidays and workmen's compensation
13 coverage which shall be provided through the funds appropriated
14 to carry out this act. A crewleader who has served for one year
15 shall be entitled to five paid vacation days and five days of
16 paid sick leave during each subsequent year of service.

17 (f) Veterans' preference.--In the hiring of crewleaders,
18 preference shall be given to honorably discharged veterans of
19 the armed forces of the United States.

20 Section 2. The act is amended by adding a section to read:
21 Section 8.1. Volunteers.

22 (a) Authorization.--The secretary is authorized to recruit,
23 train and accept, without regard to the act of August 5, 1941
24 (P.L.752, No.286), known as the Civil Service Act, or
25 regulations promulgated under that act, the services of
26 individuals to assist, without compensation, in carrying out the
27 functions of the corps.

28 (b) Expenses.--The secretary is authorized to provide for
29 incidental expenses for volunteers under this section. This
30 subsection includes transportation, uniforms, lodging and

1 subsistence.

2 (c) Status.--

3 (1) Except as set forth in paragraph (2), a volunteer
4 under this section shall not be deemed to be a Commonwealth
5 employee and shall not be subject to the provisions of law
6 relating to Commonwealth employment. This paragraph includes
7 law on hours of work, rates of compensation, leave,
8 unemployment compensation and employee benefits.

9 (2) Paragraph (1) does not apply as follows:

10 (i) A volunteer under this section who performs work
11 necessitating the operation of a Commonwealth vehicle
12 shall be deemed an employee of the Commonwealth for the
13 purposes of automobile liability and general liability.

14 (ii) For the purposes of the act of June 2, 1915
15 (P.L.736, No.338), known as the Workers' Compensation
16 Act, a volunteer under this section shall be deemed an
17 employee of the Commonwealth.

18 (3) A volunteer under this section may not be assigned
19 to a position, covered by a labor agreement filed with or
20 authorized by the department.

21 Section 3. Sections 10, 12, 12.1 and 13.1 of the act,
22 amended or added July 2, 1993 (P.L.350, No.49), are amended to
23 read:

24 Section 10. Annual report.

25 On [October 1, 1990, and each year thereafter during the
26 program's existence] December 31, the secretary shall report to
27 the Chief Clerk of the House of Representatives and the
28 Secretary of the Senate on the preceding fiscal year's impact of
29 the program. All recipients of funds for approved projects shall
30 provide the information requested by the department for the

purposes of this report. The report shall include, but not be limited to:

- (1) Productivity measures by the type of project funded.
- (2) The number of corpsmembers enrolled.
- (3) The average length of enrollment.
- (4) The extent of job training provided to participants.
- (5) The number of participants who find employment after completion of the project.
- (6) Estimated total dollar value of completed work projects by type of project.
- (7) Estimated potential revenue from projects completed by corpsmembers.
- (8) Estimated amount of dollar benefits in excess of dollar costs resulting from the program.
- (9) The amount of appropriated funds expended on program administration.
- (10) Completed projects by agencies.
- (11) Projects in progress.
- (12) Corps involvement in disaster relief.

Section 12. Appropriation.

(a) Appropriation.--No more than 50% of any funds available annually for this program may be expended on work experience projects which are submitted by local agencies and approved by the secretary. No more than [3%] 5% of the funds available for this program may be expended on program administration.

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

1 Section 12.1. Funding.

2 [For the 1989-1990 fiscal year and thereafter, funds] Funds
3 provided for this program may be used for the following:

4 (1) Corpsmember and crewleader wages and authorized
5 benefits.

6 (2) Site development and materials.

7 (3) Funds available to local agencies shall be used to
8 pay no more than 75% of the cost of site development and
9 materials and up to 100% of the cost for corpsmember and
10 crewleader wages for projects which meet the requirements of
11 this act.

12 (4) Program administration.

13 (5) Corpsmember development and training activities and
14 supplies.

15 (6) Incidental expenses related to the use of volunteers
16 under section 8.1(b).

17 Section 13.1. Expiration.

18 This act and the Pennsylvania Conservation Corps shall expire
19 June 30, [1997] 2000.

20 Section 4. This act shall take effect in 60 days.