

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 798 Session of
1997

INTRODUCED BY WILT, ARGALL, BAKER, FARGO, McNAUGHTON, LLOYD,
B. SMITH, CHADWICK, ARMSTRONG, DEMPSEY, ROHRER, MARSICO,
MASLAND, LYNCH, PETTIT, LEH, GLADECK, HERSHEY, COY, ITKIN,
SANTONI, GEIST, MILLER, HALUSKA, WAUGH, BROWN, S. H. SMITH,
GORDNER, HERMAN, KAISER, SHANER, RUBLEY, YEWCIC, CLYMER,
FAIRCHILD, HENNESSEY, LEVDANSKY, E. Z. TAYLOR, STERN, SAYLOR,
SAINATO, STEELMAN, PISTELLA, HESS, BARD, STAIRS AND MELIO,
MARCH 12, 1997

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 18, 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 AND further providing for annual reports, for appropriations, <—
8 for 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

1 context clearly indicates otherwise:

2 "Community-based agency." A private, nonprofit organization
3 that is representative of a community or a significant segment
4 of a community that is engaged in meeting human, educational or
5 environmental community needs.

6 "Corps." The Pennsylvania Conservation Corps.

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

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

16 "Crewleader." A participant in the corps who is employed to
17 supervise corpsmembers pursuant to criteria set forth in section
18 8(c).

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

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

25 "Local agency." Any political subdivision located within
26 this Commonwealth.

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

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

1 with this act.

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

10 Section 4. Duties of the secretary.

11 The secretary shall:

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

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

1 activities on public lands or facilities that will result in
2 a future public value or have a potential for future revenue
3 yield.

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

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

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

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

29 (9) Purchase, rent or otherwise acquire or obtain
30 personal property, supplies, instruments, tools, equipment or

1 conveniences necessary to complete work experience projects
2 or provide corpsmember training.

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

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

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

17 Section 5. Work experience projects.

18 (a) Purpose.--

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

30 (2) Projects developed may include fee-for-service

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

9 * * *

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

14 * * *

15 (d) Coordinated services.--Whenever available and
16 appropriate, [adult education, job] corpsmember development and
17 training [and placement services] provided through other
18 Federal, State and local funded programs such as the Job
19 Training Partnership Act Program, the Community Services Block
20 Grant and the 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.]
25 Whenever possible, eligible participants without a high school
26 diploma shall receive coordinated services that provide an
27 opportunity to obtain an equivalent high school diploma. Within
28 four weeks of enrollment in the corps, each corpsmember shall be
29 referred to the Office of Employment Security for ability
30 assessments, the results of which shall be provided to the

1 department.

2 * * *

3 Section 6. Eligibility for program.

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

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

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

12 (ii) An individual 17 years of age may participate
13 if the individual:

14 (A) is enrolled in an approved school-to-work
15 program;

16 (B) has graduated from high school; or

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

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

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

23 (4) Physically and mentally capable of performing labor
24 intensive work.

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

27 (b) Referrals.--Eligibility for corpsmembers shall be
28 determined by the Job Centers which shall refer eligible
29 participants to the department. For referral purposes, the Job
30 Centers shall develop standards for classifying applicants into

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

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

28 (a) Term of enrollment.--Corpsmembers shall be enrolled for
29 a period of [six months] one year. At the option of the
30 department, [corpsmembers] a corpsmember who [have] has

1 successfully completed [their six-month] a one-year term may be
2 enrolled for [a second] up to two additional six-month [term]
3 terms. The department shall refer the names of corpsmembers who
4 successfully complete their service in the corps to the Job
5 Centers for assistance in securing private sector employment or
6 for enrollment in additional job training programs. The
7 department may also provide the names of participants who
8 successfully complete their service in the corps to private
9 sector employers requesting referrals, with the approval of the
10 participant.

11 (b) Minimum wage.--Corpsmembers shall receive an hourly wage
12 no less than the State minimum wage as provided for by the act
13 of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage
14 Act of 1968. Corpsmembers [serving a second six-month term] who
15 have successfully completed their first six months in the
16 program shall receive additional hourly compensation of at least
17 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] one year in the corps
27 will be entitled to a [\$500] \$1,000 bonus. Corpsmembers who
28 complete [12] six months in the program will be entitled to [an
29 additional] draw up to \$500 [bonus at the end of their second
30 six months in] of their prospective bonuses to pay for

1 corpsmember development and training the cost of which is too
2 expensive to be covered entirely by the program.

3 (d) Work hours.--Corpsmembers shall be scheduled to work the
4 standard work hours of the department or of the State agency or
5 local agency sponsoring the work experience project. In no
6 instance shall corpsmembers be scheduled to work more than 40
7 hours per week. Corpsmembers may request and shall be excused as
8 necessary for a maximum of [260] ~~250~~ 520 hours per [six-month] <—
9 one-year term of enrollment from scheduled work hours to
10 participate in [adult education, job] corpsmember development
11 and training [and placement services] which the department
12 determines to be appropriate and [are] in accordance with the
13 provisions of this act. Corpsmembers shall be compensated as set
14 forth in subsection (b) for participating in [job] corpsmember
15 development and training [and placement services] which the
16 department determines [are] to be in accordance with the
17 provisions of this act.

18 Section 8. Supervisors.

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

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

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

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

27 (3) Physically and mentally capable of performing labor
28 intensive work and supervisory duties.

29 (4) Not attending a postsecondary institution full time
30 and who provide assurance that they did not leave school for

the purpose of employment as a supervisor in the program.

(c) [Six-month term.--Crewleaders] Term of employment.--A crewleader [may] shall be employed by the department for a period [that may exceed the six-month limit established for corpsmembers.] of one year. At the option of the department, a crewleader who has successfully completed a one-year term of service may be extended for subsequent one-year terms.

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

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

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

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

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

(b) Expenses.--The secretary is authorized to provide for

1 incidental expenses for volunteers under this section. This
2 subsection includes transportation, uniforms, lodging and
3 subsistence.

4 (c) Status.--

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

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

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

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

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

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

26 Section 10. Annual report.

27 On [October 1, 1990, and each year thereafter during the
28 program's existence] December 31, the secretary shall report to
29 the Chief Clerk of the House of Representatives and the
30 Secretary of the Senate on the preceding fiscal year's impact of

1 the program. All recipients of funds for approved projects shall
2 provide the information requested by the department for the
3 purposes of this report. The report shall include, but not be
4 limited to:

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

6 (2) The number of corpsmembers enrolled.

7 (3) The average length of enrollment.

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

9 (5) The number of participants who find employment after
10 completion of the project.

11 (6) Estimated total dollar value of completed work
12 projects by type of project.

13 (7) Estimated potential revenue from projects completed
14 by corpsmembers.

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

17 (9) The amount of appropriated funds expended on program
18 administration.

19 (10) Completed projects by agencies.

20 (11) Projects in progress.

21 (12) Corps involvement in disaster relief.

22 Section 12. Appropriation.

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

28 (b) Accounting procedures.--All funds expended or encumbered
29 under the appropriation in section 202 of the act of July 1,
30 1985 (P.L.722, No.10A), known as the Pennsylvania Economic

1 Revitalization Fund Appropriation Act of 1985, shall be credited
2 against the appropriation made herein.

3 Section 12.1. Funding.

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

6 (1) Corpsmember and crewleader wages and authorized
7 benefits.

8 (2) Site development and materials.

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

14 (4) Program administration.

15 (5) Corpsmember development and training activities and
16 supplies.

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

19 Section 13.1. Expiration.

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

22 Section 4. This act shall take effect ~~in 60 days~~

<—

23 IMMEDIATELY.

<—