
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 749 Session of
2005

INTRODUCED BY BEBKO-JONES, BELARDI, CALTAGIRONE, READSHAW,
GOODMAN AND ROBERTS, MARCH 1, 2005

REFERRED TO COMMITTEE ON COMMERCE, MARCH 1, 2005

AN ACT

1 Establishing the Job Opportunities in Basic Services (JOBS)
2 Program; and providing for duties of Secretary of Public
3 Welfare, for eligibility for program, for compensation, for
4 supervisors, for prohibited activities, for annual report,
5 for local JOBS Program incubator, for regulations, for
6 expenditure of funds and for funding.

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4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the JOBS Program
8 Act.

9 Section 2. Declaration of policy.

10 (a) Findings.--The General Assembly finds and declares as
11 follows:

12 (1) In the aftermath of welfare reform, thousands of new
13 jobs will be needed in this Commonwealth in order to absorb
14 those who will be required to work or lose welfare benefits.

15 (2) Pennsylvania has lost 381,000 manufacturing jobs
16 since 1980. As a result, in many areas of this Commonwealth
17 there is a severe shortage of entry-level positions relative
18 to the number of people seeking work.

19 (3) Pennsylvanians have the work ethic and ability to
20 make Pennsylvania a national leader, a global competitor and
21 a job creator.

22 (4) Work force development is a process of education,
23 training, and development activities for increasing the
24 skills and knowledge of individuals so they can maximize
25 their employment opportunities, participate in productive
26 work, and achieve their career potential.

27 (5) At the same time that many new entrants to the job
28 market will be seeking employment, many of this
29 Commonwealth's economically depressed communities are in need
30 of the labor that these job seekers can provide. Thus,

1 employment in public service activities can simultaneously
2 represent an investment both in human capital and in the
3 vitality of local communities.

4 (6) Many of those who will need to make the transition
5 from welfare to work face serious barriers to successful
6 employment, including lack of education, work experience,
7 affordable child care and transportation.

8 (7) The most successful welfare-to-work programs have
9 been those which combine real work experience with education
10 and training assistance which is appropriate for the
11 particular individual and is focused on developing job-
12 relevant skills.

13 (8) All sectors of the community, both in the private
14 and the public sector, have a responsibility to ensure that
15 those individuals attempting to leave the welfare rolls have
16 the opportunity to enter into the work force and to establish
17 economic independence.

18 (9) Welfare reform presents potential risks to existing
19 workers who face new competition from new job seekers leaving
20 welfare. These workers need protection to ensure that welfare
21 reform induces the creation of new jobs rather than
22 displacement of existing workers.

23 (b) Purpose.--The following are the purposes of this act:

24 (1) To establish and operate a program of temporary,
25 public service employment as a transition to permanent
26 employment in the private and public sector by entering into
27 performance-based contracts with State agencies,
28 municipalities, and community-based agencies to assist them
29 to create appropriate work opportunities and to enable
30 participants to make the transition from subsidized to

1 unsubsidized employment.

2 (2) To create 10,000 real jobs as an alternative to
3 welfare or workfare.

4 (3) To target job creation under paragraph (2) to rural,
5 suburban and urban regions of this Commonwealth which are
6 suffering from shortages in entry-level jobs and to direct
7 this employment to the purpose of providing public service to
8 communities and individuals in need.

9 (4) To address barriers to employment through effective
10 assessment and appropriate support services, training and
11 case management.

12 (5) To protect existing workers from being displaced by
13 the jobs created by this act.

14 Section 3. 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 "Bona fide job opportunity." A job with:

19 (1) clearly defined work responsibilities;

20 (2) wages paid under the requirements of section 8
21 (relating to compensation);

22 (3) clearly defined reporting responsibilities;

23 (4) orientation and training necessary to effectively
24 perform the assigned work responsibilities;

25 (5) effective supervision by supervisors who have
26 received orientation as to the supervisory needs of program
27 participants and guidance in the performance of the work
28 involved; and

29 (6) orientation as to advancement opportunities which
30 are available with the JOBS project employer, and in the type

of work in which the individual is involved, and information on how to qualify for and apply for such opportunities.

"Case management." The provision of client-centered services to participants to help them to succeed in the JOBS Program. The term includes job or career counseling or assistance in arranging appropriate training or child care.

"Community-based agency." A private, nonprofit organization that is representative of a community or a significant segment of a community that is engaged in meeting human, educational or environmental community needs. The term includes community development corporations, neighborhood groups and organizations, union-related organizations, employer-related nonprofit organizations, organizations operating career intern or literacy programs, educational or religious institutions and other nonprofit organizations.

"Department." The Department of Public Welfare of the Commonwealth.

"EITC." The Federal Earned Income Tax Credit Program.

"JOBS Program." The Job Opportunities in Basic Services Program established in section 4 (relating to JOBS Program established).

"JOBS project." A project which involves any of the following:

(1) The direct delivery of services to individual children, elderly individuals, individuals with physical and developmental disabilities or individuals with low incomes. This paragraph includes staffing soup kitchens, food cupboards, and meals-on-wheels programs; providing companionship to the elderly, the institutionalized and the homebound and day care; or working in recreation programs.

1 (2) The promotion of neighborhood or community well-
2 being. This paragraph includes crime prevention; working in
3 Neighborhood Townwatch programs; removing graffiti; and
4 rehabilitating, cleaning and sealing abandoned houses.

5 (3) The conservation, improvement or development of
6 natural resources or the enhancement, preservation or
7 maintenance of public lands, water or facilities. This
8 paragraph includes cleaning streams, playgrounds,
9 neighborhoods and roadways and improving State parks and
10 hiking trails.

11 (4) Relief or reconstruction activities in the case of
12 emergencies or natural disasters.

13 (5) Other projects serving the public interest.

14 "LLSIL." The United States Department of Labor Lower Living
15 Standard Income Level for a family of three.

16 "Participant." An individual who has been determined to be
17 eligible to participate in and who has commenced a work
18 assignment.

19 "Secretary." The Secretary of Public Welfare of the
20 Commonwealth.

21 "State agency." A department, departmental administrative
22 board or commission, independent board or commission, agency or
23 other authority of the Commonwealth. The term includes the
24 Senate, the House of Representatives and all courts.

25 Section 4. JOBS Program established.

26 There is established within the department the Job
27 Opportunities in Basic Services (JOBS) Program.

28 Section 5. Duties of secretary.

29 The secretary shall do all of the following:

30 (1) Appoint a director, who shall act as the

1 administrative officer of the program. The director shall
2 employ staff necessary to implement the provisions of this
3 act.

4 (2) Review proposed JOBS projects submitted to the
5 department by State agencies, municipalities or community-
6 based agencies and approve projects which meet the
7 requirements of this act.

8 (3) Execute performance-based contracts or cooperative
9 agreements with those State agencies, municipalities or
10 community-based agencies that have had JOBS projects approved
11 containing terms and conditions deemed necessary and
12 desirable for the provision of services to participants. This
13 paragraph includes enrollment, ability assessment, education
14 and training, case management and job readiness, search and
15 placement.

16 (4) Authorize utilization of the JOBS Program for
17 approved JOBS projects in urban, suburban and rural areas as
18 necessary to carry out the provisions of this act.

19 (5) Authorize utilization of the JOBS Program for
20 emergency projects within or outside this Commonwealth. This
21 paragraph includes assistance in natural disasters, fire
22 prevention and suppression and rescue of lost or injured
23 persons. Participation in emergency projects shall be
24 voluntary. Program participants shall receive adequate
25 training prior to participating in an emergency project.

26 (6) Apply for and accept grants or contributions of
27 funds from any public or private source, including the
28 acceptance of Federal funds appropriated by the General
29 Assembly.

30 (7) Obtain personal property necessary to complete JOBS

1 projects or provide training for participants.

2 (8) Develop program guidelines or regulations as
3 necessary to fairly and effectively administer this act.

4 Section 6. JOBS projects.

5 (a) Job requirements.--

6 (1) The department shall ensure that each participant
7 receives a bona fide job opportunity which is comparable to
8 full-time employment in the public or private sector.

9 (2) The department shall ensure that each participant
10 receives an assessment of employability skills and abilities,
11 including educational needs and prior work experience, and
12 needs regarding child care and other supportive services. On
13 the basis of this assessment, and in consultation with the
14 participant, the participant shall be assigned to a JOBS
15 project and shall receive appropriate training and supportive
16 services which are designed to enable the participant to
17 succeed in the program and to assist the participant in
18 developing new skills and abilities.

19 (3) The department shall ensure that each participant
20 receives adequate and appropriate supervision; case
21 management; and assistance in job search, readiness and
22 placement.

23 (4) The department shall establish a grievance procedure
24 for participants and for workers claiming to have been
25 displaced by participants.

26 (b) Project criteria.--The secretary shall establish
27 criteria for JOBS projects so as to ensure that all participants
28 are engaged in activities which provide a valuable work
29 experience to the participant and produce a demonstrable public
30 benefit. The secretary shall seek and entertain proposals from

1 State agencies, municipalities or community-based agencies to
2 operate JOBS projects. JOBS projects shall be undertaken in
3 eligible urban, suburban and rural areas, in accordance with
4 subsection (c), and shall be selected on the basis of the
5 secretary's criteria.

6 (c) Geographic location of projects.--

7 (1) A JOBS project may be undertaken in any area of this
8 Commonwealth. Project slots shall be distributed among such
9 areas in proportion to county or regional statistics for
10 welfare caseloads, unemployment and poverty.

11 (2) The secretary shall to the extent possible assign
12 participants to projects which are within reasonable
13 commuting distance from participants' place of residence.

14 (d) Coordinated services.--If available and appropriate,
15 adult education, job training and placement services provided
16 through other Federal, State and local programs, such as the Job
17 Training Partnership Act Program, the Community Services Block
18 Grant and the Job Centers, shall be coordinated with JOBS
19 projects to assist eligible participants. Coordinated services
20 include job placement assistance, adult literacy training, job
21 search skills, job application skills and ability assessments.
22 If possible, eligible participants without a high school diploma
23 shall receive coordinated services which provide an opportunity
24 to obtain an equivalent high school diploma.

25 (e) Labor standards.--

26 (1) Health and safety standards established under law,
27 otherwise applicable to working conditions of employees,
28 shall be equally applicable to working conditions of
29 participants. With respect to a participant who is engaged in
30 activities not covered under the Occupational Safety and

1 Health Act of 1970 (Public Law 91-596, 29 U.S.C. § 651 et
2 seq.) the participant shall not be required, nor permitted to
3 work, be trained, or receive services in buildings or
4 surroundings or under working conditions which are
5 unsanitary, hazardous or dangerous to the participant's
6 health or safety.

7 (2) Workers' compensation benefits shall be available
8 with respect to injuries suffered by participants under the
9 same standards applicable to other public and private
10 employees in this Commonwealth.

11 (3) No work assignment under the JOBS Program shall
12 result in any of the following:

13 (i) Displacement of a currently employed worker.

14 This subparagraph includes:

15 (A) Reduction in the hours of nonovertime work,
16 wages or employment benefits.

17 (B) Filling of a vacant, established position.

18 (ii) Assignment of a participant to a position when
19 another individual is on layoff from the same or an
20 equivalent position, when the employer has terminated the
21 employment of a regular employee or otherwise reduced its
22 work force with the effect of filling the vacancy so
23 created with a participant or without the prior approval
24 of the applicable labor union at a worksite employing
25 union workers.

26 (iii) Infringement of the promotional opportunities
27 of a currently employed individual.

28 (iv) Replacement of a striker or lockout worker.

29 Section 7. Eligibility for program.

30 (a) Criteria.--To be eligible to be a participant, an

1 individual must meet all of the following:

2 (1) Be 18 years of age or older.

3 (2) Be a resident of this Commonwealth.

4 (3) Be registered with the local Job Center for
5 employment.

6 (4) Be physically and mentally capable of performing
7 work.

8 (5) Be able to provide assurance that the individual did
9 not leave school for the purpose of participating in the
10 program.

11 (6) Have no income or be receiving general assistance,
12 Temporary Assistance for Needy Families or other public
13 assistance benefits. An individual whose public assistance
14 benefits were eliminated as a result of the amendatory act of
15 June 16, 1994 (P.L.319, No.49), the amendatory act of June
16 30, 1995 (P.L.129, No.20) and the amendatory act of May 16,
17 1996 (P.L.175, No.35) or the Personal Responsibility and Work
18 Opportunity Reconciliation Act of 1996 (Public Law 104-193,
19 110 Stat. 2105) meets the eligibility criteria of this
20 paragraph.

21 (b) Enrollment of participants.--The department shall
22 establish a system of referrals of potential applicants from
23 county assistance offices, job centers, private industry
24 councils, schools, municipalities and community-based agencies.
25 The department shall develop standards for classifying
26 applicants into various levels of eligibility based on
27 individual skill and abilities; on the readiness, willingness
28 and availability to work; and on job availability measures. Not
29 less than 60% of the enrolled participants must be individuals
30 who are:

(1) basic skills deficient;

(2) lacking in a high school or equivalency diploma; or

(3) without significant prior work experience.

Section 8. Compensation.

(a) Term of enrollment.--A participant shall be paid the wages provided in subsection (b) beginning on the day work commences and continuing throughout enrollment in the program. Unless the participant obtains employment or leaves the program for another reason, enrollment shall be for a period of 18 months. Participants shall receive appropriate counseling and job placement assistance prior to the end of enrollment and shall, in accordance with regulations established by the department, receive paid leave for the purpose of interviewing for jobs. With the approval of a participant, the department may refer a participant who successfully completes the program to private or public sector employers.

(b) Minimum wage.--Program participants shall receive an hourly wage no less than 65% of the LLSIL, established for Pennsylvania metropolitan and nonmetropolitan areas, but no less than \$7 per hour. If the prevailing wage at a worksite for an employee performing the same job duties as a program participant is greater than the applicable LLSIL, the employer shall pay the program participant the wage difference. At the end of nine months of employment in the JOBS Program, a participant shall receive a 10% increase in salary.

(c) Benefits.--A participant is entitled to the same paid holidays as other employees at the worksite. A participant who obtains other employment prior to completing maximum enrollment in the program shall receive a \$500 empowerment credit, which may be used only for the purposes of continuing education and

1 training, child care, car expenses and other purposes directly
2 related to maintaining employment.

3 (d) Work hours.--A participant shall be scheduled to work
4 the standard work hours of the State agency, municipality or
5 community-based agency where assigned, but in no instance shall
6 participants be scheduled to work more than 40 hours per week. A
7 participant may request and shall be excused as necessary for a
8 minimum of six and a maximum of 12 hours per week from scheduled
9 work hours to participate in adult education, job training and
10 job readiness or placement services, in accordance with the
11 participant's assessment. The participant must work at least 28
12 hours per week. A participant shall be compensated as set forth
13 in subsection (b) while engaged in adult education, job training
14 or job readiness or placement services. During the last month of
15 a participant's enrollment in the JOBS Program, release time for
16 education or training may be used for job search.

17 (e) Health benefits.--Notwithstanding the provisions of the
18 act of June 13, 1967 (P.L.31, No.21), known as the Public
19 Welfare Code, a program participant and a spouse and dependent
20 children shall be eligible for medical assistance during the
21 term of enrollment in the JOBS Program if no other free health
22 care insurance program is available. If a participant
23 successfully transitions into nonsubsidized employment, the
24 participant's dependent children will remain eligible for
25 medical assistance for an additional year if no other free
26 health care insurance program is available.

27 (f) Earned income tax credits.--The secretary shall ensure
28 that each program participant is specifically notified and
29 educated concerning the EITC and is assisted in applying for
30 reverse withholding regarding the JOBS Program wages the

1 participant is paid. The department shall:

2 (1) Prepare an easily understandable information guide
3 geared to participants explaining the operation of the EITC
4 and reverse withholding. The information guide shall include:

5 (i) eligibility for the EITC;

6 (ii) how to receive the EITC;

7 (iii) how to receive reverse withholding payments of
8 the EITC along with regular paychecks;

9 (iv) the effect of EITC on eligibility for public
10 assistance programs;

11 (v) negative effects, if any, of receiving reverse
12 withholding of EITC payments; and

13 (vi) where volunteer income tax assistance is
14 available, including, at a minimum, a central toll-free
15 telephone number for referrals to free tax assistance
16 sites.

17 (2) Ensure that approved JOBS Program sites distribute
18 the information guide.

19 (3) Ensure that approved JOBS Program sites notify
20 participants whose wages are projected to be or have been
21 during the past year below the maximum income limit for EITC
22 of their possible eligibility for EITC, at the time they
23 enroll in the JOBS Program and annually between January 1 and
24 31.

25 (4) Ensure that approved JOBS Program sites provide and
26 process in accordance with Federal law the W-5 form for
27 reverse withholding of the EITC upon request of the employee.

28 (g) Child-care benefits.--Participants who have dependent
29 children shall be provided with quality child care which enables
30 them to participate. Participants who would otherwise be

1 eligible for child-care assistance under a program administered
2 by the department shall receive the same benefits under such
3 program as other former welfare recipients or qualified employed
4 individuals.

5 (h) Other supportive services.--In accordance with
6 regulations to be established by the department, the department
7 may provide financial assistance for the purpose of assisting a
8 participant regarding one-time, work-related expenses, for the
9 sole purpose of assisting the participant in beginning the
10 participant's JOBS project.

11 Section 9. Supervisors.

12 (a) Funding.--Funds available for the JOBS Program may be
13 used to pay the wages of supervisors, as necessary and
14 appropriate, for the purpose of supervising program
15 participants.

16 (b) Supervisors.--The department is authorized to approve
17 the hiring of supervisors where appropriate for a particular
18 JOBS project. Individuals eligible to be hired as supervisors
19 must be eligible to be participants, capable of doing the work
20 to be supervised and qualified to perform supervising duties.
21 Supervisors may be employed for a period which may exceed the
22 18-month limit applicable to other program participants.
23 Supervisors shall receive an hourly wage which exceeds the
24 hourly wage of other program participants by 30%, and shall
25 enjoy the same benefits as other participants.

26 (c) Other supervisors.--Each JOBS project proposal submitted
27 to the JOBS Program by a State agency, municipality or
28 community-based agency must include a description of the
29 supervision which would be needed and the extent to which the
30 agency is able or unable to provide such supervision. The

1 department may subsidize professional supervision for a project
2 sponsored by community-based agencies if the project warrants
3 such expenditure and the sponsoring agency is financially unable
4 to afford the costs.

5 Section 10. Prohibited activities.

6 The department, in developing and approving projects, shall
7 assure that:

8 (1) In employment practices, no individual will be
9 discriminated against because of the individual's race,
10 color, religious creed, ancestry, sex, national origin, age
11 or non-job-related handicap or disability.

12 (2) No person shall make any payment to another person
13 as compensation for referring an individual as a potential
14 participant.

15 (3) It shall be unlawful for anyone to demand from a
16 public officer, program participant or supervisor an
17 assessment or percentage of money or profit, or its
18 equivalent in support, service or any other thing of value,
19 with the understanding, express or implied, that it may be
20 used or shall be used for political purposes. Nothing
21 contained in this paragraph shall be construed to prohibit
22 voluntary contributions to a political committee or
23 organization for legitimate political and campaign purposes
24 to the extent such contributions are not prohibited by law.

25 Section 11. Annual report.

26 On October 1, 2006, and each year thereafter during the JOBS
27 Program's existence, the secretary shall report to the Secretary
28 of the Senate and the Chief Clerk of the House of
29 Representatives on the impact of the JOBS Program in the
30 preceding fiscal year. Recipients of funds for approved projects

1 shall provide the information requested by the department for
2 the purposes of this report. The report shall include:

- 3 (1) Productivity measures by the type of project funded.
- 4 (2) The number of participants enrolled.
- 5 (3) The average length of enrollment.
- 6 (4) The extent of job training provided to participants.
- 7 (5) The number of participants who find employment after
8 completion of the project.

9 (6) Estimated total dollar value of completed work
10 projects by type of project.

11 (7) Estimated potential revenue from projects completed
12 by participants.

13 (8) Estimated savings by all levels of government as a
14 result of reductions in social service delivery and public
15 assistance benefits provided to or on behalf of participants
16 and their families during the period of their participation
17 in the JOBS Program.

18 (9) Estimated tax revenues received by all levels of
19 government from participants during the period of their
20 participation in the JOBS Program.

21 (10) Estimated EITC benefits received by participants
22 during the period of their participation in the JOBS Program.

23 (11) An analysis of the impact of JOBS Program
24 participation on the overall welfare of participants and
25 their families, taking into consideration such factors as
26 family income, the attainment of new skills or education
27 levels and other social benefits as reported by participants.

28 (12) The amount of appropriated funds expended on JOBS
29 Program administration.

30 (13) Appropriate data concerning entry-level job

1 vacancies.

2 Section 12. Local JOBS Program incubator.

3 In order to provide opportunities for local agencies to
4 create locally operated and funded local jobs programs, funds
5 may be authorized to support the development of new local jobs
6 programs consistent with the provisions of this act. Pending the
7 availability of funds, the department may enter into contingent
8 commitments with municipal governments to provide funding on a
9 reducing basis over a three-year period.

10 Section 13. Regulations.

11 The department shall promulgate regulations necessary to
12 carry out this act by January 1, 2006.

13 Section 14. Expenditure of funds.

14 (a) Administrative costs.--The secretary shall minimize to
15 the greatest extent possible the extent to which funds available
16 for this program are expended on anything other than participant
17 wages. The department shall establish regulations for limiting
18 administrative costs, and, in the case of community-based
19 agencies, may take into account the size and administrative
20 capabilities of the agencies in the regulations.

21 (b) Municipalities and community-based agencies.--At least
22 50% of the funds available annually for the JOBS Program shall
23 be expended on JOBS projects sponsored by local or community-
24 based agencies.

25 (c) Use of funds.--Funds provided for the JOBS Program shall
26 be used for the following:

27 (1) Participant and supervisor wages and authorized
28 benefits.

29 (2) Contracted services for participants. This paragraph
30 includes assessment, training, case management, job readiness

1 and placement and tools and supplies.

2 (3) Program and project administration and supervision.

3 (4) Site development and materials. The secretary is
4 authorized to reject any JOBS project that would include an
5 unreasonable level of expenditures for such items.

6 Section 15. Funding.

7 (a) Source of funds.--

8 (1) Funding for the JOBS Program shall be provided from
9 funds appropriated to meet the State Maintenance-of-Effort
10 requirements under the Personal Responsibility and Work
11 Opportunity Reconciliation Act of 1996 (Public Law 104-193,
12 110 Stat. 2105) for the Temporary Assistance for Needy
13 Families program.

14 (2) If funds under paragraph (1) are insufficient to
15 meet the objectives of this act, funds for the JOBS Program
16 shall be provided from Federal funds received under the
17 Personal Responsibility and Work Opportunity Reconciliation
18 Act of 1996 for the Temporary Assistance for Needy Families
19 program.

20 (3) If funds under paragraph (2) are insufficient to
21 meet the objectives of this act, the funding for the JOBS
22 Program is subject to appropriation.

23 (b) Additional funds.--The secretary shall seek waivers of
24 Title I through III of the Job Training Partnership Act (Public
25 Law 97-300, 29 U.S.C. § 1501 et seq.) authorized under the
26 Omnibus Consolidated Appropriations Act of 1997, (Public Law
27 104-208, 110 Stat. 3009), and of the Workforce Investment Act of
28 1998 (Public Law 105-220, 29 U.S.C. § 2801 et seq.), authorized
29 under section 192 of that act, (29 U.S.C. § 2942), in order to
30 secure additional funding which would maximize the education,

1 training, wages and benefits of participants.

2 Section 16. Effective date.

3 This act shall take effect July 1, 2005, or immediately,

4 whichever is later.