

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1234 Session of
2010

INTRODUCED BY TARTAGLIONE, HUGHES, COSTA, STACK, FONTANA, MUSTO,
ERICKSON, O'PAKE, WILLIAMS, WASHINGTON, FARNESE, KITCHEN,
BOSCOLA, LOGAN AND MELLOW, APRIL 20, 2010

REFERRED TO LABOR AND INDUSTRY, APRIL 20, 2010

AN ACT

1 Establishing the Job Creation Program and providing for funding.

2 The General Assembly finds and declares as follows:

3 (1) In the aftermath of the 2008 economic downturn,
4 thousands of individuals have been laid off through the
5 closing of businesses or the downsizing of companies.

6 (2) Individuals who were unemployed prior to this
7 economic downturn have had an even more difficult time
8 finding employment due to the larger number of persons
9 looking for jobs.

10 (3) Pennsylvania's unemployment rate is the highest it
11 has been in 25 years.

12 (4) Increasing unemployment has resulted in more persons
13 applying for government benefits in order to take care of
14 their families.

15 (5) Creation of jobs will provide for economic growth,
16 along with stability within the family unit.

17 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Short title.

3 This act shall be known and may be cited as the Job Creation
4 Program Act.

5 Section 2. Definitions.

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

9 "Community-based agency." A private, nonprofit organization
10 that is representative of a community or a significant segment
11 of a community that is engaged in meeting human, educational or
12 environmental community needs. The term shall include community
13 development corporations, neighborhood groups and organizations,
14 union-related organizations, employer-related nonprofit
15 organizations, organizations operating career intern or literacy
16 programs, educational or religious institutions and other
17 nonprofit organizations.

18 "Department." The Department of Labor and Industry of the
19 Commonwealth.

20 "Program." The Job Creation Program established under
21 section 3.

22 "Qualified individual." An individual who meets one of the
23 following:

24 (1) Is ineligible for unemployment or chronically
25 unemployed.

26 (2) Has exhausted their unemployment compensation
27 benefits.

28 "TANF." The Temporary Assistance for Needy Families program
29 under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et
30 seq.).

1 Section 3. Job Creation Program.

2 (a) Establishment.--The Job Creation Program is established
3 within the department to provide grants to community-based
4 agencies to provide funding to hire qualified unemployed
5 individuals for subsidized employment.

6 (b) Rates and hours.--The following shall apply:

7 (1) Qualified individuals may be employed for no more
8 than nine months at an hourly rate of \$10 per hour or the
9 rate required by a local ordinance, whichever is higher.

10 (2) The maximum number of hours for each individual
11 employed under the program shall be 30 hours per week for no
12 more than nine months.

13 (c) Eligibility.--An individual shall be eligible if the
14 person is unemployed and has exhausted all of his unemployment
15 benefits. The receipt of TANF benefits shall not preclude
16 eligibility.

17 (d) Chronic unemployment.--Individuals who are identified as
18 chronically unemployed by the department shall be given priority
19 in terms of employment under the program.

20 Section 4. Powers and duties of department.

21 The department shall have the following powers and duties:

22 (1) In coordination with the Department of Public
23 Welfare, to apply for Federal and State money available to
24 the Commonwealth for job creation purposes to be used for the
25 program.

26 (2) To develop a methodology for the distribution of
27 funds to community-based agencies that apply for the program.

28 (3) To establish procedures for community-based agencies
29 to apply for the funds available under this act.

30 (4) To require all community-based agencies applying for

1 funds to provide the necessary counseling and job training to
2 individuals hired for the jobs.

3 (5) To provide a report within six months from the
4 effective date of this section to the chairman and minority
5 chairman of the Labor and Industry Committee of the Senate
6 and the chairman and minority chairman of the Labor Relations
7 Committee of the House of Representatives, which shall
8 provide an update on the increase in jobs with the
9 implementation of this act. The report shall be made
10 available for public inspection and posted on the
11 department's publicly accessible Internet website.

12 Section 5. Labor standards.

13 No work assignment under this act shall result in any of the
14 following:

15 (1) The displacement of a currently employed worker,
16 including any of the following:

17 (i) A reduction in the hours of nonovertime work,
18 wages or employment benefits.

19 (ii) The filling of a vacant, established position.

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

27 (3) Infringement of the promotional opportunities of a
28 currently employed individual.

29 (4) Replacement of a striker or lockout worker.

30 Section 6. Funding.

- 1 No more than 83% of the funds in the Tobacco Product Tax
- 2 Account shall be used to fund the program.
- 3 Section 20. Effective date.
- 4 This act shall take effect immediately.