

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 687 Session of 2011

INTRODUCED BY KITCHEN, FONTANA, STACK, COSTA, BOSCOLA, WILLIAMS,
FERLO, FARNESE AND WASHINGTON, APRIL 25, 2011

REFERRED TO LABOR AND INDUSTRY, APRIL 25, 2011

AN ACT

1 Amending the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1),
2 entitled "An act providing for alternative sources of energy;
3 establishing the Alternative Energy Development Program, the
4 Consumer Energy Program, the Home Energy Efficiency Loan
5 Program, the Home Energy Efficiency Loan Fund and the
6 Alternative Energy Production Tax Credit Program; and
7 providing for the powers and duties of the Department of
8 Environmental Protection," further providing for pollution
9 control technology projects; and providing for energy service
10 project grants, for green work force training and for a
11 transfer of funds.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 304(a) of the act of July 9, 2008 (1st
15 Sp.Sess., P.L.1873, No.1), known as the Alternative Energy
16 Investment Act, is amended to read:

17 Section 304. Pollution control technology projects.

18 (a) Allocation.--The sum of [\$25,000,000] \$10,000,000 shall
19 be transferred by the authority to the department for pollution
20 control technology projects. The funds shall be utilized for
21 grants to electric generating units or cogeneration units, as
22 defined under 25 Pa. Code § 123.202 (relating to definitions),

1 that utilize coal, as defined under 25 Pa. Code § 123.202, as
2 their primary fuel source, and that have an installed capacity
3 of less than 500 megawatts, located in this Commonwealth.

4 * * *

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

6 Section 308. Green work force training.

7 The sum of \$15,000,000 shall be transferred by the department
8 to the Department of Labor and Industry in accordance with
9 section 907 for purposes of providing green work force training
10 grants under Chapter 9.

11 Section 3. The act is amended by adding a chapter to read:

12 CHAPTER 9

13 GREEN WORK FORCE TRAINING

14 Section 901. Scope of chapter.

15 This chapter relates to green work force training.

16 Section 902. Definitions.

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

20 "Applicant." An eligible entity that applies for a grant
21 under section 903.

22 "Area vocational-technical schools and technical institutes."
23 As used under Article XVIII of the act of March 10, 1949
24 (P.L.30, No.14), known as the Public School Code of 1949.

25 "Authority." The Commonwealth Financing Authority.

26 "Community college." As defined in section 2001-C of the act
27 of March 10, 1949 (P.L.30, No.14), known as the Public School
28 Code of 1949.

29 "Crime of violence." As defined in 42 Pa.C.S. § 9714(g)
30 (relating to sentences for second and subsequent offenses).

1 "Educational institution." Any of the following:

2 (1) An area vocational-technical school and technical
3 institute.

4 (2) A community college.

5 (3) A junior college.

6 (4) An intermediate unit.

7 (5) A private licensed school.

8 (6) An independent institution of higher education.

9 (7) A State-owned institution of higher education.

10 (8) A State-related institution of higher education.

11 "Eligible entity." An educational institution or a labor
12 organization.

13 "Eligible individual." Any of the following who is a
14 resident of this Commonwealth:

15 (1) A worker in an industry impacted by national and
16 State energy and environmental policy.

17 (2) An individual in need of updated training related to
18 the energy efficiency and renewable energy industries.

19 (3) A veteran or a past or present member of a reserve
20 component of the armed forces.

21 (4) An unemployed individual.

22 (5) A low-income individual.

23 (6) A formerly incarcerated or adjudicated nonviolent
24 offender.

25 "Eligible industry." An energy efficiency or renewable
26 energy industry, including:

27 (1) the energy-efficient building, construction and
28 retrofits industries;

29 (2) the renewable electric power industry;

30 (3) the biofuels industry;

1 (4) the energy efficiency assessment industry;

2 (5) manufacturers of energy-efficient or renewable
3 energy products or materials; and

4 (6) any other industry deemed eligible by the Department
5 of Labor and Industry.

6 "Grant." A grant issued under this chapter.

7 "Independent institution of higher education." As defined in
8 section 2001-C of the act of March 10, 1949 (P.L.30, No.14),
9 known as the Public School Code of 1949.

10 "Junior college." An institution of higher education which:

11 (1) offers the first two years of a four-year
12 postsecondary educational program; and

13 (2) is approved by the Department of Education under 22
14 Pa. Code Ch. 42 (relating to program approval).

15 "Labor organization." An organization, agency or employee
16 representation committee or plan within this Commonwealth:

17 (1) in which employees participate; and

18 (2) which exists for the purpose, in whole or in part,
19 of dealing with disputes between an employer and its
20 employees involving grievances, labor disputes, wages, rates
21 of pay, hours of employment or conditions of work. The term
22 does not include an organization, agency, committee or plan
23 which practices discrimination in membership because of race,
24 color, creed, national origin, sex or political affiliation.

25 "Low-income individual." An individual with monthly income
26 at or below 200% of the poverty level established by the Bureau
27 of the Census.

28 "Nonviolent offender." A person who has not committed a:

29 (1) crime of violence; or

30 (2) sexual offense enumerated under 42 Pa.C.S. §

9795.1(a) and (b) (relating to registration).

"Private company." Any business, professional service company or other enterprise. The term includes a group of at least two private companies operating as a consortium in order to take advantage of a common training program. The term does not include a point-of-sale retail business.

"Private licensed school." As defined in section 2 of the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act.

"Reserve component of the armed forces." The United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, Pennsylvania Army National Guard and Pennsylvania Air National Guard.

"Secretary." The Secretary of Labor and Industry of the Commonwealth.

"State-owned institution of higher education." An institution of higher education that is part of the State System of Higher Education.

"State-related institution of higher education." The Pennsylvania State University, the University of Pittsburgh, Temple University and Lincoln University. The term includes a branch campus.

"Trainee." An individual enrolled in a training program under this chapter.

"Training program." A systematic program which is designed to provide an eligible individual with the skills and knowledge necessary to meet the specifications for an occupation or trade within an eligible industry.

Section 903. Green Work Force Training Program.

1 (a) Establishment.--Within six months after the effective
2 date of this section, the secretary, in consultation with the
3 Secretary of Environmental Protection, shall establish a Green
4 Work Force Training Program, which shall be designed to promote
5 job training related to the energy efficiency and renewable
6 energy industries.

7 (b) Requirements.--The Department of Labor and Industry
8 shall establish the minimum training program requirements
9 necessary for an applicant to be considered for a grant. In
10 setting program requirements, the Department of Labor and
11 Industry shall consult with the department, representatives from
12 eligible industries and representatives from labor organizations
13 representing workers in eligible industries in order to ensure
14 that the training programs will teach relevant skills and
15 competencies and that any certificates and credentials resulting
16 from completed job training are employer recognized.

17 (c) Grants.--

18 (1) The secretary shall award grants to enable eligible
19 entities to carry out training that leads to the development
20 of an energy efficiency and renewable energy industries work
21 force. Grants shall be awarded so as to ensure geographic
22 diversity.

23 (2) The secretary shall award grants to approved
24 applicants. In awarding a grant, priority shall be given to
25 applicants that demonstrate all of the following:

26 (i) Experience in implementing and operating worker
27 skills training and education programs.

28 (ii) Ability to identify and involve in training
29 programs eligible individuals who seek or would benefit
30 from job training opportunities related to energy

1 efficiency and renewable energy industries.

2 (iii) Ability to leverage additional public and
3 private resources to fund training programs, including
4 cash or in-kind matches from private companies. Failure
5 to leverage additional resources shall not disqualify an
6 applicant from receiving a grant.

7 (3) The secretary shall award at least five grants to
8 eligible applicants that agree to provide job training
9 primarily to low-income individuals and formerly incarcerated
10 or adjudicated nonviolent offenders. The following apply:

11 (i) Grants shall be awarded in a manner that ensures
12 geographic diversity and that targets areas of high
13 poverty.

14 (ii) If less than five applicants apply or qualify
15 for a grant under this paragraph, the secretary may award
16 any unused grant as provided under this chapter.

17 (d) Grant applications.--An eligible entity must submit an
18 application for a grant to the Department of Labor and Industry.
19 The application must be on the form required by the Department
20 of Labor and Industry and must include or demonstrate all of the
21 following:

22 (1) The applicant's name and address.

23 (2) The location where the training program will occur.

24 (3) The geographic area of this Commonwealth, identified
25 by county, from which the applicant expects to enroll
26 trainees.

27 (4) A brief history of the applicant's job training
28 experience, if any. Lack of job training history shall not
29 preclude an applicant from receiving a grant.

30 (5) A statement affirming that the applicant will give

1 eligible individuals priority for training and other
2 services.

3 (6) A statement identifying the eligible industries for
4 which the job training will be provided.

5 (7) A description of the proposed training or
6 instructional program to be provided.

7 (8) A statement:

8 (i) disclosing whether an applicant intends to
9 contract with other organizations or individuals for the
10 provision of all or a portion of the services to be
11 provided; and

12 (ii) if there is intent to contract under
13 subparagraph (i), requesting allocation of a portion of
14 the grant from the applicant to the contractor.

15 (9) The amount of the grant requested, including an
16 itemized list of intended uses of the grant.

17 (e) Review and approval of grant applications.--

18 (1) The Department of Labor and Industry shall review
19 the application to determine that all of the following apply:

20 (i) The applicant is an eligible entity.

21 (ii) The applicant has committed to giving priority
22 for training and other service to eligible individuals.

23 (iii) The applicant will provide job training
24 relating to an eligible industry.

25 (iv) The training program proposal submitted by the
26 applicant:

27 (A) meets the program requirements established
28 by the Department of Labor and Industry; and

29 (B) will further the public policy goals of this
30 chapter.

1 (v) There is a substantial likelihood that the
2 training program will successfully train individuals for
3 future employment opportunities in an eligible industry.

4 (vi) The amount of the grant request is reasonable.

5 (vii) The applicant complied with all other criteria
6 established by the Department of Labor and Industry.

7 (2) Upon being satisfied that all requirements have been
8 met, the secretary may approve the application. Upon
9 approval, the secretary shall award a grant.

10 (f) Use of grant funds.--A grant recipient may not use a
11 grant to do any of the following:

12 (1) Pay wages of trainees during training.

13 (2) Pay costs associated with building construction or
14 renovation or the acquisition, upgrade or installation of
15 equipment or machinery, including computer equipment.

16 (3) Pay for point-of-sale retail job training.

17 (g) Limitation.--A single grant shall not exceed \$250,000
18 per applicant.

19 Section 904. Reports by grant recipients.

20 (a) Annual report.--By September 1, each grant recipient
21 shall submit a report to the Department of Labor and Industry
22 summarizing the effectiveness of the recipient's training
23 program for the prior fiscal year. Each report shall be posted
24 by the Department of Labor and Industry on its Internet website
25 and shall remain on the site until the reports for the next year
26 are posted. Each report must contain the following information:

27 (1) The number of program trainees.

28 (2) The demographic characteristics of trainees,
29 including race, gender, age and education level.

30 (3) The services provided by the recipient, including

1 job training, education and supportive services.

2 (4) The total amount of the grant received.

3 (5) An itemized list of program expenditures.

4 (6) The amount of program spending per trainee.

5 (7) Program completion rates.

6 (8) The rate of job placement.

7 (9) The average wage at placement, including any
8 benefits.

9 (10) Any post-employment supportive services provided to
10 program trainees.

11 (11) Any other information requested by the Department
12 of Labor and Industry.

13 (b) Duties of Department of Labor and Industry.--

14 (1) The Department of Labor and Industry shall assist
15 grant recipients in the collection of data under this clause
16 by:

17 (i) making available, where practicable, low-cost
18 means of tracking the labor market outcomes of program
19 trainees; and

20 (ii) providing standardized reporting forms.

21 (2) The Department of Labor and Industry, at its
22 discretion but no less than once every two years, shall
23 collect and analyze labor market data to track work force
24 trends resulting from energy-related job training initiatives
25 carried out under this chapter. The information obtained by
26 the Department of Labor and Industry shall be included in the
27 annual report required to be submitted by the Department of
28 Labor and Industry under section 905.

29 Section 905. Annual report.

30 (a) Requirement.--By December 31, the Department of Labor

1 and Industry shall complete a written report outlining the
2 effectiveness of the training programs for the prior fiscal
3 year. The report shall include the following:

4 (1) Total number of grants awarded, including the name
5 and address of each grant recipient.

6 (2) Total amount of grants awarded, including the amount
7 each grant recipient received.

8 (3) Total number of individuals participating in
9 training programs funded by grants during the prior fiscal
10 year, including the number of individuals participating
11 through each grant recipient.

12 (4) Total number of individuals who completed a training
13 program funded by a grant during the prior fiscal year.

14 (5) Total number of individuals who enrolled in but
15 failed to complete a training program funded under this
16 chapter during the prior fiscal year.

17 (6) Rate of job placement for individuals who completed
18 a training program funded under this chapter during the prior
19 fiscal year, including the average wage at placement and
20 benefits.

21 (7) A summary of the information submitted by each grant
22 recipient under section 904(a).

23 (8) Recommendations for changes to this chapter.

24 (9) Other information deemed by the Department of Labor
25 and Industry to be relevant or necessary to complete a
26 comprehensive review of the program.

27 (b) Submission.--The report shall be submitted to the
28 following:

29 (1) The Governor.

30 (2) The Majority Leader and Minority Leader of the

1 Senate.

2 (3) The Majority Leader and Minority Leader of the House
3 of Representatives.

4 (4) The chairman and minority chairman of each standing
5 committee in the Senate and the House of Representatives with
6 jurisdiction over the Department of Labor and Industry.

7 (5) The chairman and minority chairman:

8 (i) of the Environmental Resources and Energy
9 Committee of the Senate; and

10 (ii) of the Environmental Resources and Energy
11 Committee of the House of Representatives.

12 (c) Posting.--The Department of Labor and Industry shall
13 post the report on its Internet website. The report shall remain
14 on the site until the report for the next fiscal year is posted.
15 Section 906. Regulations.

16 (a) General rule.--The Department of Labor and Industry, in
17 consultation with the department, shall promulgate regulations
18 necessary for the administration and enforcement of this
19 chapter.

20 (b) Temporary regulations.--

21 (1) In order to facilitate the prompt implementation of
22 this chapter, initial regulations promulgated by the
23 Department of Labor and Industry shall be deemed temporary
24 regulations which shall expire no later than two years
25 following the effective date of this section.

26 (2) Temporary regulations are exempt from all of the
27 following:

28 (i) Sections 201, 202 and 203 of the act of July 31,
29 1968 (P.L.769, No.240), referred to as the Commonwealth
30 Documents Law.

1 (ii) The act of June 25, 1982 (P.L.633, No.181),
2 known as the Regulatory Review Act.

3 (3) This subsection shall expire one year from the
4 effective date of this section.

5 Section 907. Funding.

6 The sum of \$15,000,000 shall be transferred from the
7 Commonwealth Financing Authority to the Department of Labor and
8 Industry for purposes of funding grants for job training
9 programs. Revenues transferred by the authority shall derive
10 from the proceeds of any bonds issued by the authority for
11 alternative energy and other energy-related projects and
12 previously dedicated to pollution control technology projects
13 pursuant to section 304. For a three-year period, the Department
14 of Labor and Industry shall annually disburse \$5,000,000 of the
15 appropriation for the purpose of funding grants authorized under
16 this chapter.

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