

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 223 Session of
2013

INTRODUCED BY TARTAGLIONE, WASHINGTON, TEPLITZ, GREENLEAF,
STACK, COSTA, FERLO, BROWNE, BREWSTER, SCHWANK, FONTANA,
WOZNIAK AND HUGHES, MAY 16, 2013

REFERRED TO LABOR AND INDUSTRY, MAY 16, 2013

AN ACT

1 Establishing the Train-to-Work PA Program; granting powers and
2 imposing duties upon the Department of Labor and Industry;
3 and making an appropriation.

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 Train-to-Work
8 PA Program Act.

9 Section 2. Definitions.

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

13 "Business employer." A business located in this Commonwealth
14 and approved by the Department of Labor and Industry for
15 participation in the Train-to-Work PA Program established by
16 this act.

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

1 "Eligible trainee participant." A person currently
2 unemployed or collecting unemployment compensation benefits
3 under the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897,
4 No.1), known as the Unemployment Compensation Law.

5 "Program." The Train-to-Work PA Program.

6 "Skill enhancement." Raising to a higher degree a person's
7 knowledge and execution of a fundamental job function leading to
8 full-time employment.

9 Section 3. Train-to-Work PA Program.

10 (a) Establishment.--The Train-to-Work PA Program is
11 established and shall be administered by the department through
12 the Workforce Investment Board.

13 (b) Duties.--The department shall do all of the following:

14 (1) Within 60 days of the effective date of this
15 section, establish the program.

16 (2) Create a form which eligible trainee participants
17 shall use to request to be approved for participation in the
18 program.

19 (3) Within ten days of receipt of the form, grant or
20 deny a trainee participant's request to participate in the
21 program.

22 (4) Notify businesses of the availability of the program
23 through existing programs and posting on the department's
24 Internet website.

25 (5) Provide a business with information and materials
26 necessary to participate upon request.

27 (6) Match eligible training participants to businesses
28 participating in the program.

29 (c) Certification.--In order to participate in the program,
30 a business shall certify all of the following to the department:

1 (1) That it has open employment positions available.

2 (2) That it intends to hire for a position and that a
3 trainee participant may fill the position through the
4 program.

5 (3) That it will follow up a trainee participant's
6 participation in the program with a performance evaluation of
7 the claimant's job skills regardless of whether or not the
8 claimant was hired for employment.

9 Section 4. Business employer training plan.

10 When applying, each participating business employer shall
11 submit to the department a proposed training plan for approval,
12 along with any other forms required by the department. The
13 training plan shall provide the following:

14 (1) The length of the training period required, which
15 shall be based on the skills and knowledge of the proposed
16 trainee participants, outlining the scope of work.

17 (2) Full-time hours for the designated training period.

18 (3) Worker's compensation benefits and any other
19 employee benefits.

20 (4) The manner in which a contract will fulfill
21 compliance with ADA requirements.

22 (5) The manner in which the business employer will
23 fulfill compliance with Workforce Investment Board
24 requirements.

25 Section 5. Operation.

26 (a) Structure.--The department shall structure the program
27 to permit an eligible training participant to be matched with a
28 business participating in the program. The eligible trainee
29 participant shall be placed in an open employment position made
30 available by the business, as provided in this act. A business

1 employer shall not be required to accept all applicants for
2 employment in order to participate in the program.

3 (b) Termination.--A business employer may terminate its
4 participation in the program at any time. Reasonable notice
5 should be given to current trainee participants in the program.
6 For purposes of this subsection, reasonable notice shall be
7 considered a minimum of seven days' notice.

8 Section 6. Advisory committee.

9 (a) Establishment.--An advisory committee is established to
10 advise the department on the establishment of the program under
11 this act.

12 (b) Composition.--The advisory committee shall consist of
13 eight members, with an equal number of members representing
14 organized labor organizations and the business community. The
15 appointments shall be made by the Governor, in consultation with
16 the Chamber of Business and Industry and representatives of
17 organized labor, in consultation with the Pennsylvania AFL-CIO.

18 (c) Chairperson.--The chairperson shall be elected by the
19 members of the advisory committee.

20 (d) Term.--The members shall serve at the pleasure of the
21 Governor, which term shall run consecutively with the term of
22 the Governor.

23 (e) Compensation and expenses.--The advisory committee
24 members shall not receive a salary or per diem allowance for
25 serving as members of the committee, but shall be reimbursed for
26 actual and necessary expenses incurred in the performance of
27 their duties.

28 (f) Meetings.--The advisory committee shall meet at least
29 twice each year.

30 (g) Commencement of committee.--Within 30 days of the

effective date of this section, the Governor shall make the appointments called for within this section and the committee shall begin operations immediately following the appointments.

Section 7. Eligibility.

Eligible trainee participants shall be those persons who are currently unemployed. Priority shall be given to persons receiving unemployment compensation.

Section 8. Program funding.

An amount not to exceed \$10,000,000 shall be appropriated from any of the following Federal sources of moneys to the Commonwealth:

(1) Additional funding, for which the department shall apply, which is available under the Workforce Investment Act of 1998 (Public Law 105-220, 112 Stat. 936), for use in implementing the program.

(2) Funds received for the Industry Partnership Program by the department and specified for use in job training assistance.

(3) Funds received by the Commonwealth for the Dislocated Worker Program under the Workforce Investment Act of 1998.

Section 9. Business employer reimbursement.

Pursuant to availability of funding under section 8, approved business employers participating in the Train-to-Work PA Program shall be eligible for reimbursement of up to 80% of a trainee participant's wages from funding provided under this act.

Section 10. Job creation tax credit.

Nothing in this act shall prohibit employers from applying for tax credits that may be available as job creation tax credits under any Federal or State law.

1 Section 20. Effective date.

2 This act shall take effect in 60 days.