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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. 2648 Session of  
2022

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INTRODUCED BY LAWRENCE, COX, SCHLEGEL CULVER, GROVE, HENNESSEY,  
JAMES, JONES, R. MACKENZIE, MILLARD, B. MILLER, MOUL,  
NEILSON, PICKETT, RYAN, STAMBAUGH, THOMAS, TOPPER,  
C. WILLIAMS AND KLUNK, JUNE 8, 2022

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SENATOR BARTOLOTTA, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,  
OCTOBER 24, 2022

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## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; providing for judicial administration; and  
18 prescribing the manner in which the number and compensation  
19 of the deputies and all other assistants and employes of  
20 certain departments, boards and commissions shall be  
21 determined," in Office of State Inspector General, further  
22 providing for powers, purpose and duties ~~and for criminal~~ <--  
23 ~~charges~~; REPEALING PROVISIONS RELATING TO COORDINATION OF <--  
24 COMMONWEALTH COMMUNITY SERVICE PROGRAMS; PROVIDING FOR  
25 PENNSERVE AND FOR PUBLIC WORKS EMPLOYMENT VERIFICATION;  
26 ESTABLISHING THE PUBLIC WORKS EMPLOYMENT VERIFICATION  
27 ACCOUNT; AND MAKING A RELATED REPEAL.

28 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Sections 503 A(c) and 506 A of the act of April~~ <--  
3 ~~9, 1929 (P.L.177, No.175), known as The Administrative Code of~~  
4 ~~1929, are amended by adding paragraphs to read:~~

5 SECTION 1. SECTION 503-A(C) OF THE ACT OF APRIL 9, 1929 <--  
6 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, IS  
7 AMENDED BY ADDING PARAGRAPHS TO READ:

8 Section 503-A. Powers, purpose and duties.

9 \* \* \*

10 (c) Duties.--The State Inspector General shall:

11 \* \* \*

12 ~~(12.1) Within 30 days of the effective date of this~~ <--  
13 ~~paragraph, appoint agents NO LATER THAN MAY 1, 2023, PROVIDE~~ <--  
14 ~~A REPORT TO THE GENERAL ASSEMBLY REGARDING THE ABILITY OF THE~~  
15 ~~OFFICE to investigate instances of actual or attempted fraud,~~  
16 ~~theft, abuse, falsification of records, illicit payment and~~  
17 ~~identity theft associated with the unemployment compensation~~  
18 ~~program established under the act of December 5, 1936 (2nd~~  
19 ~~Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment~~  
20 ~~Compensation Law, including supplemental or extended~~  
21 ~~unemployment compensation benefits programs administered by~~  
22 ~~the Department of Labor and Industry under section 608 of the~~  
23 ~~Unemployment Compensation Law. This paragraph shall expire~~ <--  
24 ~~December 31, 2026.~~ THE REPORT SHALL BE DONE IN CONSULTATION <--  
25 ~~WITH THE DEPARTMENT OF LABOR AND INDUSTRY AND SHALL INCLUDE:~~

26 (I) THE ESTIMATED NUMBER OF AGENTS NECESSARY TO  
27 CONDUCT INVESTIGATIONS.

28 (II) THE ESTIMATED COST FOR PERSONNEL, EQUIPMENT AND  
29 OTHER OPERATIONAL NEEDS RELATED TO INVESTIGATIONS.

30 (III) THE AMOUNT OF TIME NECESSARY TO HIRE AND TRAIN

1 INVESTIGATORS.

2 (IV) HOW CASES WOULD BE COORDINATED WITH THE  
3 INTERNAL AUDITS DIVISION WITHIN THE DEPARTMENT OF LABOR  
4 AND INDUSTRY AND WITH OTHER FEDERAL AND STATE LAW  
5 ENFORCEMENT AGENCIES INVESTIGATING FRAUD WITHIN THE  
6 UNEMPLOYMENT COMPENSATION PROGRAM.

7 (V) ANY FEDERAL OR STATE LAWS, REGULATIONS OR  
8 GUIDANCE THAT MAY INHIBIT THE ABILITY TO CONDUCT  
9 INVESTIGATIONS.

10 (VI) AN ESTIMATE OF THE AMOUNT OF FRAUDULENT  
11 PAYMENTS MADE IN UNEMPLOYMENT COMPENSATION PROGRAMS IN  
12 THIS COMMONWEALTH FROM MARCH 1, 2020, THROUGH SEPTEMBER  
13 30, 2022, INCLUDING THE AMOUNT OF FRAUDULENT PAYMENTS  
14 RECOVERED UP TO THE DATE OF THE REPORT'S SUBMISSION.

15 (12.2) PROVIDE THE REPORT UNDER PARAGRAPH (1) TO:

16 (I) THE PRESIDENT PRO TEMPORE OF THE SENATE.

17 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

18 (III) THE MAJORITY LEADER OF THE SENATE.

19 (IV) THE MINORITY LEADER OF THE SENATE.

20 (V) THE MAJORITY LEADER OF THE HOUSE OF  
21 REPRESENTATIVES.

22 (VI) THE MINORITY LEADER OF THE HOUSE OF  
23 REPRESENTATIVES.

24 (VII) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF  
25 THE APPROPRIATIONS COMMITTEE OF THE SENATE.

26 (VIII) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF  
27 THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF  
28 REPRESENTATIVES.

29 (IX) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
30 LABOR AND INDUSTRY COMMITTEE OF THE SENATE.

1           (X) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
2           LABOR AND INDUSTRY COMMITTEE OF THE HOUSE OF  
3           REPRESENTATIVES.

4           \* \* \*

5   ~~Section 506 A. Criminal charges.~~ <--

6           ~~Notwithstanding any other provision of law, the State~~  
7   ~~Inspector General shall have the power to investigate and may~~  
8   ~~file criminal charges for a violation of any of the following:~~

9           \* \* \*

10          ~~(5) (i) The following provisions of 18 Pa.C.S.~~  
11          ~~(relating to crimes and offenses), which are~~  
12          ~~substantially related to the administration of~~  
13          ~~unemployment compensation benefits by the Department of~~  
14          ~~Labor and Industry:~~

15                  ~~(A) Section 903 (relating to criminal~~  
16                  ~~conspiracy).~~

17                  ~~(B) Section 911 (relating to corrupt~~  
18                  ~~organizations).~~

19                  ~~(C) Section 3922 (relating to theft by~~  
20                  ~~deception).~~

21                  ~~(D) Section 4120 (relating to identity theft).~~

22                  ~~(E) Section 4911 (relating to tampering with~~  
23                  ~~public records or information).~~

24                  ~~(F) Section 7611 (relating to unlawful use of~~  
25                  ~~computer and other computer crimes).~~

26                  ~~(ii) This paragraph shall expire December 31, 2026.~~

27          ~~(6) Sections 801 and 802 of the act of December 5, 1936~~  
28          ~~(2nd Sp.Sess., 1937 P.L.2897, No.1), known as the~~  
29          ~~Unemployment Compensation Law. This paragraph shall expire~~  
30          ~~December 31, 2026.~~

1 ~~Section 2 5. This act shall take effect immediately.~~

2 SECTION 2. ARTICLE XXII-B OF THE ACT IS REPEALED: <--

3 [ARTICLE XXII-B

4 COORDINATION OF COMMONWEALTH

5 COMMUNITY SERVICE PROGRAMS

6 SECTION 2201-B. DEFINITIONS.--THE FOLLOWING WORDS AND  
7 PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN  
8 TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES  
9 OTHERWISE:

10 "BOARD" MEANS THE COMMUNITY SERVICE ADVISORY BOARD.

11 "COMMUNITY-BASED AGENCY" MEANS A PRIVATE, NONPROFIT  
12 ORGANIZATION THAT IS REPRESENTATIVE OF A COMMUNITY OR A  
13 SIGNIFICANT SEGMENT OF A COMMUNITY THAT IS ENGAGED IN MEETING  
14 HUMAN, EDUCATIONAL OR ENVIRONMENTAL COMMUNITY NEEDS.

15 "COMMUNITY SERVICE" MEANS PERFORMANCE OF TASKS DESIGNATED TO  
16 ACCOMPLISH ANY OF THE FOLLOWING:

17 (1) ENVIRONMENTAL PRESERVATION, ENHANCEMENT AND REMEDIATION.

18 (2) PROMOTION OF THE WELL-BEING OF CHILDREN, THE ELDERLY,  
19 PERSONS WITH PHYSICAL OR DEVELOPMENTAL DISABILITIES AND PERSONS  
20 WITH LOW INCOMES.

21 (3) EDUCATIONAL DEVELOPMENT, INCLUDING, BUT NOT LIMITED TO,  
22 LITERACY TRAINING, ADULT BASIC EDUCATION COURSES AND INSTRUCTION  
23 IN JOB SEARCH SKILLS AND JOB APPLICATION SKILLS.

24 (4) IMPROVEMENT ACTIVITIES ON PUBLIC LANDS OR FACILITIES.

25 (5) PROJECTS OR ACTIVITIES CALCULATED TO IMPROVE PUBLIC  
26 HEALTH, SAFETY AND WELFARE DEVELOPED BY THE BOARD.

27 (6) EDUCATIONAL ACTIVITIES, THROUGH A PENNSYLVANIA EDUCATION  
28 SYSTEM OR A COMMUNITY OR GOVERNMENTAL ENTITY, THAT INSTILL AN  
29 ETHIC OF CIVIC RESPONSIBILITY AND CITIZENSHIP IN ALL  
30 PENNSYLVANIANS AND IN PARTICULAR YOUNG PENNSYLVANIANS.

1 "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND INDUSTRY OF  
2 THE COMMONWEALTH.

3 "OFFICE" MEANS THE GOVERNOR'S OFFICE OF CITIZEN SERVICE  
4 (PENNSERVE) WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY.

5 SECTION 2202-B. GOVERNOR'S OFFICE OF CITIZEN SERVICE  
6 (PENNSERVE) ESTABLISHED.-- (A) THERE IS HEREBY ESTABLISHED  
7 WITHIN THE DEPARTMENT THE GOVERNOR'S OFFICE OF CITIZEN SERVICE  
8 (PENNSERVE).

9 (B) THE DEPARTMENT SHALL PROVIDE STAFF, SPACE, EQUIPMENT AND  
10 SUPPLIES FOR THE OFFICE TO DISCHARGE ITS DUTIES.

11 SECTION 2203-B. RESPONSIBILITIES OF OFFICE.-- (A) THE  
12 PREDOMINANT, BUT NOT THE SOLE RESPONSIBILITY OF THE OFFICE SHALL  
13 BE TO COORDINATE THE DEVELOPMENT AND IMPLEMENTATION OF COMMUNITY  
14 SERVICE PROGRAMS WITHIN THIS COMMONWEALTH.

15 (B) PENNSERVE IS ESTABLISHED TO MAKE COMMUNITY SERVICE THE  
16 COMMON EXPECTATION AND EXPERIENCE OF ALL PENNSYLVANIANS WITH A  
17 SPECIAL CONCENTRATION ON PENNSYLVANIA'S YOUNG PEOPLE.

18 (C) PENNSERVE SHALL WORK TO RENEW THE ETHIC OF CIVIC  
19 RESPONSIBILITY IN PENNSYLVANIA AND TO INVOLVE AND ENROLL YOUNG  
20 PEOPLE IN SERVICE OPPORTUNITIES THAT WILL BENEFIT PENNSYLVANIA  
21 WHILE OFFERING OUR YOUNG PEOPLE LITERACY SKILLS AND IMPROVED JOB  
22 SKILLS. PENNSERVE SHALL BUILD ON THE EXISTING ORGANIZATIONAL  
23 FRAMEWORK OF STATE, LOCAL AND COMMUNITY-BASED PROGRAMS AND  
24 AGENCIES TO EXPAND FULL-TIME AND PART-TIME SERVICE OPPORTUNITIES  
25 FOR ALL CITIZENS, BUT PARTICULARLY YOUTH.

26 (D) ALL COMMONWEALTH DEPARTMENTS, AGENCIES, BOARDS,  
27 COMMISSIONS AND INSTRUMENTALITIES SHALL SHARE INFORMATION AND  
28 COOPERATE WITH THE OFFICE TO ENABLE IT TO PERFORM THE FUNCTIONS  
29 ASSIGNED TO IT IN THIS ARTICLE.

30 (E) THE EXPENDITURE OF MONEY BY PENNSERVE FOR THE

1 COMPENSATION OF PARTICIPANTS, OTHER THAN PENNSERVE EMPLOYEES, IN  
2 A COMMUNITY SERVICE PROGRAM OR IN ANY OTHER PROGRAM ESTABLISHED  
3 BY A COMMUNITY-BASED AGENCY OR BY THE COMMONWEALTH OR A  
4 POLITICAL SUBDIVISION IS PROHIBITED.

5 SECTION 2204-B. COMMONWEALTH DEPARTMENTS AND AGENCIES.--THE  
6 OFFICE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

7 (1) (I) TO DEVELOP JOINTLY WITH THE DEPARTMENT OF EDUCATION  
8 AND THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY A PLAN  
9 UNDER WHICH AT LEAST TEN PER CENTUM (10%) OF THE FUNDS AVAILABLE  
10 UNDER TITLE IV OF THE HIGHER EDUCATION ACT OF 1965 (PUBLIC LAW  
11 89-329, 79 STAT. 1219) MAY BE USED TO PERMIT STUDENTS TO PERFORM  
12 COMMUNITY SERVICE. THE OFFICE SHALL ASSIST THE DEPARTMENT OF  
13 EDUCATION AND THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE  
14 AGENCY IN PREPARING A PUBLIC INFORMATION PROGRAM FOR STUDENTS  
15 RECEIVING THE FUNDS TO APPRISE THEM OF THE COMMUNITY SERVICE  
16 OPTION.

17 (II) TO DEVELOP JOINTLY WITH THE DEPARTMENT OF EDUCATION AND  
18 THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY A PLAN TO  
19 ENCOURAGE COLLEGE AND UNIVERSITY STUDENTS TO PARTICIPATE IN  
20 THIRTY (30) HOURS OF COMMUNITY SERVICE EACH YEAR. THE PLAN SHALL  
21 INCLUDE TUITION REIMBURSEMENT OR ACADEMIC COURSE CREDIT OR  
22 TUITION REIMBURSEMENT AND ACADEMIC COURSE CREDIT FOR STUDENTS  
23 WHO PERFORM COMMUNITY SERVICE.

24 (2) TO COOPERATE WITH THE DEPARTMENT OF COMMUNITY AFFAIRS TO  
25 PRODUCE THE FOLLOWING:

26 (I) A PLAN TO ADVISE LOCAL GOVERNMENTS OF THE PROCEDURE FOR  
27 ESTABLISHING COMMUNITY SERVICE PROGRAMS. THE PLAN SHALL INCLUDE  
28 CREATION OF A DATA BASE THAT WILL ENABLE LOCAL GOVERNMENTS TO  
29 SHARE INFORMATION WITH EDUCATIONAL INSTITUTIONS, COMMUNITY-BASED  
30 AGENCIES AND OTHER ENTITIES AND INDIVIDUALS CONCERNED WITH

1 COMMUNITY SERVICE AND THE PRIVATE SECTOR ON A REGIONAL BASIS.

2 (II) AN INFORMATIONAL BROCHURE OR PAMPHLET FOR LOCAL  
3 GOVERNMENTS THAT DESCRIBES COMMUNITY-BASED AGENCIES AND EXPLAINS  
4 THE DESIRABILITY OF HAVING PARTICIPANTS IN COMMUNITY SERVICE AND  
5 RECIPIENTS OF COMMUNITY SERVICE SERVE ON THE GOVERNING BOARD OF  
6 COMMUNITY-BASED AGENCIES.

7 (3) TO WORK JOINTLY WITH THE DEPARTMENT OF CORRECTIONS AND  
8 THE STATE BOARD OF EDUCATION TO FORMULATE AND IMPLEMENT A  
9 PROJECT TO ENCOURAGE CHILDREN ADJUDICATED DELINQUENT FOR  
10 COMMISSION OF NONVIOLENT OFFENSES TO PERFORM COMMUNITY SERVICE  
11 FOR LOCAL GOVERNMENTS AND SCHOOL DISTRICTS. THE PROJECT SHALL  
12 INCLUDE AN EVALUATIVE AND REFLECTIVE COMPONENT.

13 (4) TO COOPERATE WITH THE DEPARTMENT OF EDUCATION TO  
14 IMPLEMENT THE POLICY OF THE STATE BOARD OF EDUCATION THAT ALL  
15 SECONDARY, COLLEGE AND UNIVERSITY STUDENTS BE ENCOURAGED TO  
16 BECOME INVOLVED IN COMMUNITY SERVICE.

17 (5) (I) TO WORK WITH OTHER BUREAUS AND OFFICES OF THE  
18 DEPARTMENT TO ATTEMPT TO OBTAIN INCREASED FEDERAL FUNDING FOR  
19 THE PENNSYLVANIA CONSERVATION CORPS AND SUMMER YOUTH CORPS  
20 PROGRAMS.

21 (II) TO MEET AND CONSULT WITH OTHER BUREAUS AND OFFICES OF  
22 THE DEPARTMENT TO ENHANCE THE QUALITY AND EFFICIENCY OF JOB  
23 TRAINING PROGRAMS.

24 (6) TO ASSIST THE DEPARTMENT OF ENVIRONMENTAL RESOURCES IN  
25 INCORPORATING THE GOALS OF PROTECTING THE ENVIRONMENT, PROMOTING  
26 RECREATIONAL FACILITIES AND RESTORING PUBLIC PARKS INTO THE  
27 MISSION OF THE PENNSYLVANIA CONSERVATION CORPS.

28 (7) TO WORK WITH THE DEPARTMENT OF AGING TO PRODUCE THE  
29 FOLLOWING RESULTS:

30 (I) INVOLVEMENT OF YOUNG PEOPLE IN ASSISTING PROFESSIONAL



1 STAFF IN THE DELIVERY OF SERVICES TO OLDER PENNSYLVANIANS IN  
2 NURSING HOMES, RETIREMENT COMMUNITIES OR PERSONAL HOUSEHOLDS.

3 (II) EXPANSION OF SERVICE OPPORTUNITIES THAT COMBINE THE  
4 HUMAN RESOURCES OF YOUNGER PENNSYLVANIANS WITH THE HUMAN  
5 RESOURCES OF OLDER PENNSYLVANIANS TO EXPAND INTERGENERATIONAL  
6 PROGRAMS SO AS TO COMBINE THE ENERGY, WISDOM, STRENGTH AND TIME  
7 OF BOTH OUR YOUNGER AND OLDER POPULATION IN ORDER TO ADDRESS  
8 VITAL SOCIAL NEEDS.

9 (8) TO DEVELOP WITH THE DEPARTMENT OF HEALTH A PROPOSAL THAT  
10 WILL ALLOW YOUNG PEOPLE TO BE INVOLVED IN THE HEALTH-RELATED  
11 ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

12 (I) EDUCATIONAL PROGRAMS THAT ARE AIMED AT INCREASING  
13 AWARENESS IN COMMUNITIES AND EDUCATIONAL INSTITUTIONS ABOUT  
14 COMMUNITY HEALTH PROBLEMS.

15 (II) ENGAGEMENT WITH COMMUNITY HEALTH CLINICS AND  
16 PROFESSIONAL MEDICAL PERSONNEL TO ENSURE THAT ALL PENNSYLVANIA  
17 CHILDREN ARE IMMUNIZED.

18 (9) TO WORK WITH THE DEPARTMENT OF TRANSPORTATION TO MEET  
19 THE TRANSPORTATION AND INFRASTRUCTURE NEEDS OF PENNSYLVANIA BY  
20 ENSURING THE ELIGIBILITY OF THE PENNSYLVANIA CONSERVATION CORPS  
21 OR LOCAL CORPS TO PERFORM CONTRACT WORK THAT MAY INCLUDE, BUT  
22 NEED NOT BE LIMITED TO, MAINTENANCE WORK, REHABILITATION AND  
23 REPAINTING OF BRIDGE AND UNDERPASS STRUCTURES AND BEAUTIFYING  
24 EFFORTS ALONG PUBLIC ROADWAYS.

25 (10) TO DEVELOP AND IMPLEMENT WITH THE DEPARTMENT OF PUBLIC  
26 WELFARE A PLAN FOR JOB TRAINING PROGRAMS THAT WILL HAVE  
27 COMMUNITY SERVICE OPTIONS WHICH CAN SERVE AS A TRANSITION FROM  
28 PUBLIC ASSISTANCE TO SUSTAINED EMPLOYMENT.

29 SECTION 2205-B. LIAISON WITH FEDERAL GOVERNMENT.--THE OFFICE  
30 SHALL SERVE AS THE LIAISON BETWEEN THE FEDERAL GOVERNMENT AND

1 STATE, COUNTY AND LOCAL GOVERNMENTS FOR SUBMITTING GRANT  
2 PROPOSALS, ACCESSING FUNDS, SEEKING CHANGES IN FEDERAL COMMUNITY  
3 SERVICE LAWS AND REGULATIONS AND RELATED PURPOSES.

4 SECTION 2206-B. ANNUAL REPORT.--THE OFFICE, THROUGH THE  
5 SECRETARY OF LABOR AND INDUSTRY, SHALL SUBMIT AN ANNUAL REPORT  
6 OF ITS ACTIVITIES TO THE GENERAL ASSEMBLY.

7 SECTION 2207-B. COMMUNITY SERVICE ADVISORY BOARD.--(A)  
8 THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT THE COMMUNITY  
9 SERVICE ADVISORY BOARD WHICH SHALL INCLUDE NO MORE THAN TWENTY-  
10 FIVE (25) MEMBERS.

11 (B) THE BOARD SHALL INCLUDE THE FOLLOWING MEMBERS:

12 (1) THE SECRETARY OF LABOR AND INDUSTRY WHO SHALL BE THE  
13 PRESIDING OFFICER OF THE BOARD.

14 (2) THE SECRETARY OF EDUCATION.

15 (3) THE SECRETARY OF COMMUNITY AFFAIRS.

16 (4) THE SECRETARY OF CORRECTIONS.

17 (5) THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA HIGHER  
18 EDUCATION ASSISTANCE AGENCY.

19 (6) A MEMBER OF THE SENATE APPOINTED BY THE MAJORITY LEADER.

20 (7) A MEMBER OF THE SENATE APPOINTED BY THE MINORITY LEADER.

21 (8) A MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY  
22 THE MAJORITY LEADER.

23 (9) A MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY  
24 THE MINORITY LEADER.

25 (10) A REPRESENTATIVE OF THE STATE SYSTEM OF HIGHER  
26 EDUCATION, WHO IS AN ACTIVE MEMBER OF THE PENNSYLVANIA CAMPUS  
27 COMPACT, APPOINTED BY THE GOVERNOR.

28 (11) A REPRESENTATIVE OF A PRIVATE COLLEGE OR UNIVERSITY,  
29 WHO IS AN ACTIVE MEMBER OF THE PENNSYLVANIA CAMPUS COMPACT,  
30 APPOINTED BY THE GOVERNOR.

1 (12) A COLLEGE OR UNIVERSITY STUDENT, WHO IS PERSONALLY  
2 INVOLVED IN COMMUNITY SERVICE, APPOINTED BY THE GOVERNOR.

3 (13) ONE ADULT AND ONE MINOR, WHO ARE ACTIVELY INVOLVED IN  
4 THE PENNSYLVANIA CONSERVATION CORPS OR THE SUMMER YOUTH CORPS,  
5 BOTH APPOINTED BY THE GOVERNOR.

6 (14) A PUBLIC SCHOOL ADMINISTRATOR, APPOINTED BY THE  
7 GOVERNOR.

8 (15) A SECONDARY PUBLIC SCHOOL STUDENT, APPOINTED BY THE  
9 GOVERNOR.

10 (16) TWO REPRESENTATIVES OF COMMUNITY-BASED AGENCIES, BOTH  
11 APPOINTED BY THE GOVERNOR.

12 (17) A MEMBER OF A LABOR ORGANIZATION, APPOINTED BY THE  
13 GOVERNOR.

14 (18) A MEMBER REPRESENTING THE BUSINESS COMMUNITY, APPOINTED  
15 BY THE GOVERNOR.

16 (19) A MEMBER OF THE PENNSYLVANIA SERVICE DELIVERY AREA,  
17 APPOINTED BY THE GOVERNOR.

18 (20) OTHER MEMBERS, AT THE DISCRETION OF AND APPOINTED BY  
19 THE GOVERNOR.

20 (C) THE TERMS OF OFFICE OF THE PUBLIC MEMBERS SHALL COINCIDE  
21 WITH THE TERMS OF THEIR RESPECTIVE ELECTIVE OR APPOINTIVE  
22 OFFICES. MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE FOR A  
23 TERM OF TWO YEARS. NO MEMBER SHALL SERVE FOR MORE THAN TWO  
24 CONSECUTIVE TERMS ON THE BOARD.

25 (D) THE BOARD SHALL HAVE THE POWER TO ADOPT RULES GOVERNING  
26 ITS ORGANIZATION AND ITS PROCEDURE.

27 (E) THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION  
28 FOR THEIR SERVICES ON THE BOARD, BUT SHALL BE REIMBURSED BY THE  
29 DEPARTMENT FOR ORDINARY AND NECESSARY EXPENSES INCURRED IN THE  
30 PERFORMANCE OF THEIR DUTIES.

1 (F) THE BOARD SHALL CONSULT WITH AND ADVISE THE OFFICE ON  
2 THE DEVELOPMENT OF A STATEWIDE PLAN FOR EXPANSION OF COMMUNITY  
3 SERVICE OPPORTUNITIES. THE BOARD SHALL ENCOURAGE YOUTH TO  
4 PARTICIPATE IN COMMUNITY SERVICE, SHALL DISSEMINATE INFORMATION  
5 CONCERNING COMMUNITY SERVICE AND SHALL MONITOR THE EFFECTIVENESS  
6 AND GEOGRAPHICAL DISTRIBUTION OF COMMUNITY SERVICE PROGRAMS. THE  
7 BOARD SHALL ALSO HAVE THE POWER TO DEVELOP NOVEL COMMUNITY  
8 SERVICE PROGRAMS.]

9 SECTION 3. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

10 ARTICLE XXII-C

11 PENNSERVE

12 SECTION 2201-C. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "BOARD." THE PENNSERVE ADVISORY BOARD ESTABLISHED UNDER  
17 SECTION 2206-C.

18 "COMMUNITY-BASED AGENCY." A PRIVATE, NONPROFIT ORGANIZATION  
19 THAT IS REPRESENTATIVE OF A COMMUNITY OR A SIGNIFICANT SEGMENT  
20 OF A COMMUNITY THAT IS ENGAGED IN MEETING HUMAN, EDUCATIONAL OR  
21 ENVIRONMENTAL COMMUNITY NEEDS.

22 "COMMUNITY SERVICE." THE PERFORMANCE OF TASKS DESIGNATED TO  
23 ACCOMPLISH ANY OF THE FOLLOWING:

24 (1) THE PROMOTION OF THE WELL-BEING OF CHILDREN, OLDER  
25 ADULTS, PERSONS WITH PHYSICAL OR DEVELOPMENTAL DISABILITIES  
26 OR PERSONS WITH LOW INCOMES.

27 (2) EDUCATIONAL DEVELOPMENT, INCLUDING LITERACY  
28 TRAINING, ADULT BASIC EDUCATION COURSES OR INSTRUCTION IN JOB  
29 SEARCH SKILLS, JOB APPLICATION SKILLS, SCHOOL READINESS OR  
30 POSTSECONDARY ACCESS.

1           (3) PROJECTS OR ACTIVITIES CALCULATED TO IMPROVE PUBLIC  
2 HEALTH AND SAFETY.

3           (4) ENVIRONMENTAL PRESERVATION, ENHANCEMENT AND  
4 REMEDICATION, INCLUDING THE CONSERVATION OF NATURAL HABITATS,  
5 MAINTENANCE OF PUBLIC LANDS OR PROMOTION OF ENVIRONMENTAL  
6 STEWARDSHIP.

7           (5) ACTIVITIES TO INCREASE THE PREPARATION OF  
8 INDIVIDUALS FOR DISASTERS, IMPROVE INDIVIDUALS' READINESS TO  
9 RESPOND TO DISASTERS, HELP INDIVIDUALS RECOVER FROM DISASTERS  
10 OR HELP MITIGATE DISASTERS.

11           (6) FACILITATE ACCESS TO SERVICES AND RESOURCES THAT  
12 CONTRIBUTE TO THE ECONOMIC WELL-BEING OF PENNSYLVANIANS,  
13 INCLUDING FINANCIAL LITERACY, HEALTHY AND AFFORDABLE HOUSING  
14 OR IMPROVED EMPLOYMENT READINESS OR SKILLS.

15           (7) IMPACT THE QUALITY OF LIFE OF VETERANS AND MILITARY  
16 FAMILIES.

17           (8) EDUCATIONAL ACTIVITIES, THROUGH A PENNSYLVANIA  
18 EDUCATION SYSTEM OR COMMUNITY OR GOVERNMENTAL ENTITY, WHICH  
19 INSTILL AN ETHIC OF CIVIC RESPONSIBILITY AND CITIZENSHIP IN  
20 ALL PENNSYLVANIANS AND IN PARTICULAR YOUNG PENNSYLVANIANS.

21 "DEPARTMENT." THE DEPARTMENT OF LABOR AND INDUSTRY OF THE  
22 COMMONWEALTH.

23 "NATIONAL AND COMMUNITY SERVICE ACT OF 1990." THE NATIONAL  
24 AND COMMUNITY SERVICE ACT OF 1990 (PUBLIC LAW 101-610, 104 STAT.  
25 3127), AS AMENDED.

26 "OFFICE." THE PENNSERVE OFFICE WITHIN THE DEPARTMENT  
27 ESTABLISHED UNDER SECTION 2202-C.

28 SECTION 2202-C. PENNSERVE OFFICE ESTABLISHED.

29 THE PENNSERVE OFFICE IS ESTABLISHED WITHIN THE DEPARTMENT.  
30 THE DEPARTMENT SHALL PROVIDE STAFF, SPACE, EQUIPMENT AND

1 SUPPLIES FOR THE OFFICE FOR THE DISCHARGE OF OFFICE DUTIES.

2 SECTION 2203-C. RESPONSIBILITIES AND DUTIES OF OFFICE.

3 THE OFFICE SHALL:

4 (1) ADMINISTER PROGRAMS OF THE NATIONAL AND COMMUNITY  
5 SERVICE ACT OF 1990 FOR THE COMMONWEALTH.

6 (2) DEVELOP A THREE-YEAR COMPREHENSIVE NATIONAL AND  
7 COMMUNITY SERVICE PLAN AND ESTABLISHMENT OF COMMONWEALTH  
8 PRIORITIES.

9 (3) ADMINISTER A COMPETITIVE PROCESS IN COMPLIANCE WITH  
10 FEDERAL REGULATIONS TO SELECT SERVICE PROGRAMS TO BE INCLUDED  
11 IN THE APPLICATIONS TO THE FEDERAL AGENCY RESPONSIBLE FOR  
12 ADMINISTERING THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

13 (4) ADMINISTER, OVERSEE AND MONITOR THE PERFORMANCE AND  
14 PROGRESS OF FUNDED PROGRAMS, INCLUDING EVALUATION, MONITORING  
15 AND PROVIDING TECHNICAL ASSISTANCE.

16 (5) ASSIST IN THE DEVELOPMENT OF HIGH-QUALITY COMMUNITY  
17 SERVICE PROGRAMS.

18 (6) DEVELOP MECHANISMS FOR RECRUITMENT AND PLACEMENT OF  
19 INDIVIDUALS INTERESTED IN PARTICIPATING IN SERVICE PROGRAMS,  
20 WITH A SPECIAL EMPHASIS ON ENGAGING DISCONNECTED YOUTH AND  
21 INDIVIDUALS FROM UNSERVED COMMUNITIES.

22 (7) FACILITATE PUBLICITY AND RECOGNITION OF VOLUNTEERISM  
23 AND COMMUNITY SERVICE.

24 SECTION 2204-C. STATE COORDINATION.

25 (A) CONSULTATION.--THE OFFICE SHALL MEET AND CONSULT WITH  
26 OTHER BUREAUS AND OFFICES OF THE DEPARTMENT TO COORDINATE AND  
27 ENHANCE THE QUALITY AND EFFICIENCY OF SERVICE, WORKFORCE  
28 DEVELOPMENT AND JOB TRAINING PROGRAMS.

29 (B) EDUCATION SERVICES.--THE OFFICE MAY DEVELOP JOINTLY WITH  
30 THE DEPARTMENT OF EDUCATION AND THE PENNSYLVANIA HIGHER

1 EDUCATION ASSISTANCE AGENCY A PLAN TO INCREASE COMMUNITY SERVICE  
2 OPPORTUNITIES FOR STUDENTS AND GRADUATES. THE OFFICE MAY ASSIST  
3 THE DEPARTMENT OF EDUCATION AND THE PENNSYLVANIA HIGHER  
4 EDUCATION ASSISTANCE AGENCY IN PREPARING A PUBLIC INFORMATION  
5 PROGRAM FOR STUDENTS AND GRADUATES TO APPRISE THEM OF COMMUNITY  
6 SERVICE OPTIONS.

7 (C) AGING SERVICES.--THE OFFICE MAY WORK WITH THE DEPARTMENT  
8 OF AGING TO EXPAND SERVICE OPPORTUNITIES THAT COMBINE THE HUMAN  
9 RESOURCES OF YOUNGER PENNSYLVANIANS WITH THE HUMAN RESOURCES OF  
10 OLDER PENNSYLVANIANS TO EXPAND INTERGENERATIONAL PROGRAMS.

11 (D) HEALTH SERVICES.--THE OFFICE MAY DEVELOP WITH THE  
12 DEPARTMENT OF HEALTH A PROPOSAL THAT WILL ALLOW YOUNG PEOPLE TO  
13 BE INVOLVED IN HEALTH-RELATED ACTIVITIES, INCLUDING EDUCATIONAL  
14 PROGRAMS THAT ARE AIMED AT INCREASING AWARENESS IN COMMUNITIES  
15 AND EDUCATIONAL INSTITUTIONS ABOUT COMMUNITY HEALTH PROBLEMS.

16 SECTION 2205-C. FEDERAL COORDINATION.

17 THE OFFICE SHALL SERVE AS THE LIAISON BETWEEN THE FEDERAL  
18 GOVERNMENT AND STATE, COUNTY AND LOCAL GOVERNMENTS FOR  
19 SUBMITTING GRANT PROPOSALS, ACCESSING FUNDS, SEEKING CHANGES IN  
20 FEDERAL COMMUNITY SERVICE LAWS AND REGULATIONS AND RELATED  
21 PURPOSES.

22 SECTION 2206-C. PENNSERVE ADVISORY BOARD.

23 (A) ESTABLISHMENT.--THE PENNSERVE ADVISORY BOARD IS  
24 ESTABLISHED WITHIN THE DEPARTMENT.

25 (B) VOTING MEMBERS.--

26 (1) THE BOARD SHALL INCLUDE AT LEAST 15 VOTING MEMBERS  
27 BUT NOT MORE THAN 25 VOTING MEMBERS, WHO SHALL SERVE FOR  
28 RENEWABLE THREE-YEAR TERMS CONSISTENT WITH FEDERAL  
29 REGULATIONS ISSUED UNDER THE NATIONAL AND COMMUNITY SERVICE  
30 ACT OF 1990.

1           (2) VOTING MEMBERS OF THE BOARD SHALL INCLUDE THE  
2 FOLLOWING:

3           (I) THE SECRETARY OF LABOR AND INDUSTRY, OR A  
4 DESIGNEE, WHO SHALL SERVE AS THE PRESIDING OFFICER OF THE  
5 BOARD.

6           (II) THE SECRETARY OF EDUCATION OR A DESIGNEE.

7           (III) THE FOLLOWING INDIVIDUALS APPOINTED BY THE  
8 GOVERNOR:

9           (A) A REPRESENTATIVE OF A COMMUNITY-BASED AGENCY  
10 OR ORGANIZATION IN THIS COMMONWEALTH.

11           (B) A REPRESENTATIVE OF LOCAL GOVERNMENT IN THIS  
12 COMMONWEALTH.

13           (C) A REPRESENTATIVE OF LOCAL LABOR  
14 ORGANIZATIONS IN THIS COMMONWEALTH.

15           (D) A REPRESENTATIVE OF BUSINESS.

16           (E) AN INDIVIDUAL WHO IS AT LEAST 16 YEARS OF  
17 AGE, LESS THAN 26 YEARS OF AGE AND WHO IS A  
18 PARTICIPANT OR SUPERVISOR OF A SERVICE PROGRAM FOR  
19 SCHOOL-AGE YOUTH OR OF A CAMPUS-BASED OR NATIONAL  
20 SERVICE PROGRAM.

21           (F) A REPRESENTATIVE OF A NATIONAL SERVICE  
22 PROGRAM.

23           (G) AN INDIVIDUAL WITH EXPERTISE IN THE  
24 EDUCATIONAL, TRAINING AND DEVELOPMENT NEEDS OF YOUTH,  
25 PARTICULARLY DISADVANTAGED YOUTH.

26           (H) AN INDIVIDUAL WITH EXPERIENCE IN PROMOTING  
27 THE INVOLVEMENT OF OLDER ADULTS WHO ARE 55 YEARS OF  
28 AGE OR OLDER IN SERVICE AND VOLUNTEERISM.

29           (I) A REPRESENTATIVE OF THE VOLUNTEER SECTOR.

30           (IV) A MEMBER OF THE SENATE APPOINTED BY THE



1 MAJORITY LEADER OF THE SENATE, OR A DESIGNEE.

2 (V) A MEMBER OF THE HOUSE OF REPRESENTATIVES  
3 APPOINTED BY THE MAJORITY LEADER OF THE HOUSE OF  
4 REPRESENTATIVES, OR A DESIGNEE.

5 (VI) A MEMBER OF THE SENATE APPOINTED BY THE  
6 MINORITY LEADER OF THE SENATE, OR A DESIGNEE.

7 (VII) A MEMBER OF THE HOUSE OF REPRESENTATIVES  
8 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF  
9 REPRESENTATIVES, OR A DESIGNEE.

10 (3) THE GOVERNOR MAY APPOINT VOTING MEMBERS OF THE BOARD  
11 WHO ARE EDUCATORS, INCLUDING REPRESENTATIVES FROM  
12 INSTITUTIONS OF HIGHER EDUCATION AND LOCAL EDUCATION  
13 AGENCIES, AND EXPERTS IN THE DELIVERY OF HUMAN, EDUCATIONAL,  
14 ENVIRONMENTAL OR PUBLIC SAFETY SERVICES TO COMMUNITIES AND  
15 INDIVIDUALS.

16 (C) REPRESENTATION.--A VOTING MEMBER OF THE BOARD MAY  
17 REPRESENT NONE, ONE OR MORE THAN ONE CATEGORY SPECIFIED IN  
18 SUBSECTION (B) (2) (III).

19 (D) EX OFFICIO, NONVOTING MEMBERS.--THE BOARD SHALL INCLUDE  
20 THE FOLLOWING PUBLIC OFFICIALS AS EX OFFICIO, NONVOTING MEMBERS:

21 (1) THE SECRETARY OF AGING, OR A DESIGNEE.

22 (2) THE SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT,  
23 OR A DESIGNEE.

24 (3) THE SECRETARY OF CORRECTIONS, OR A DESIGNEE.

25 (4) THE SECRETARY OF HEALTH, OR A DESIGNEE.

26 (5) THE SECRETARY OF HUMAN SERVICES, OR A DESIGNEE.

27 (6) THE EXECUTIVE DIRECTOR OF THE PENNSYLVANIA HIGHER  
28 EDUCATION ASSISTANCE AGENCY, OR A DESIGNEE.

29 (E) PUBLIC OFFICIALS.--THE TERMS OF OFFICE OF THE ELECTED  
30 PUBLIC OFFICIALS DESIGNATED IN SUBSECTION (B) (2) (III) (B), (IV),

1 (V), (VI) AND (VII) SHALL COINCIDE WITH THE TERMS OF THEIR  
2 RESPECTIVE ELECTIVE OR APPOINTIVE OFFICES. PUBLIC OFFICIAL  
3 MEMBERS SHALL CONTINUE TO SERVE AFTER THE EXPIRATION OF THEIR  
4 TERM UNTIL THE APPOINTING AUTHORITY APPOINTS A REPLACEMENT  
5 UNLESS THE MEMBER IS NO LONGER A PUBLIC OFFICIAL AT THE TIME OF  
6 THEIR TERM EXPIRATION.

7 (F) FEDERAL REPRESENTATIVE.--CONSISTENT WITH FEDERAL  
8 REGULATIONS, THE INDIVIDUAL WHO IS AN EMPLOYEE OF THE FEDERAL  
9 AGENCY RESPONSIBLE FOR ADMINISTERING THE NATIONAL AND COMMUNITY  
10 SERVICE ACT OF 1990 AND WHO IS DESIGNATED TO SERVE AS A  
11 REPRESENTATIVE TO EACH STATE OR GROUP OF STATES SHALL BE  
12 INCLUDED AS AN EX OFFICIO, NONVOTING MEMBER ON THE BOARD.

13 (G) DIVERSITY.--TO THE EXTENT PRACTICABLE, THE BOARD SHALL  
14 BE DIVERSE WITH RESPECT TO RACE, ETHNICITY, RELIGION, AGE,  
15 GENDER, GENDER IDENTITY, SEXUAL ORIENTATION, DISABILITY  
16 CHARACTERISTICS AND GEOGRAPHIC REPRESENTATION.

17 (H) CHAIRPERSON.--THE CHAIRPERSON OF THE BOARD SHALL BE  
18 ELECTED BY THE VOTING MEMBERS OF THE BOARD. TO BE ELIGIBLE TO  
19 SERVE AS CHAIRPERSON, AN INDIVIDUAL MUST BE AN APPOINTED, VOTING  
20 MEMBER OF THE BOARD.

21 (I) RULES.--THE BOARD MAY ADOPT RULES GOVERNING ITS  
22 ORGANIZATION AND PROCEDURES.

23 (J) COMPENSATION.--THE MEMBERS OF THE BOARD SHALL RECEIVE NO  
24 COMPENSATION FOR THEIR SERVICES ON THE BOARD BUT SHALL BE  
25 REIMBURSED BY THE DEPARTMENT FOR ORDINARY AND NECESSARY EXPENSES  
26 INCURRED IN THE PERFORMANCE OF THEIR DUTIES AS MEMBERS OF THE  
27 BOARD.

28 (K) CONSULTATION.--THE BOARD SHALL CONSULT WITH AND ADVISE  
29 THE OFFICE ON THE DEVELOPMENT OF A STATEWIDE PLAN FOR EXPANSION  
30 OF COMMUNITY SERVICE OPPORTUNITIES.

1 (L) GOALS.--THE BOARD SHALL:

2 (1) ENCOURAGE ALL PENNSYLVANIANS TO PARTICIPATE IN  
3 COMMUNITY SERVICE.

4 (2) DISSEMINATE INFORMATION CONCERNING COMMUNITY  
5 SERVICE.

6 (3) MONITOR THE EFFECTIVENESS AND GEOGRAPHICAL  
7 DISTRIBUTION OF COMMUNITY SERVICE PROGRAMS.

8 (M) NOVEL PROGRAMS.--THE BOARD MAY DEVELOP NOVEL COMMUNITY  
9 SERVICE PROGRAMS.

10 (N) SUPPORT SERVICES.--THE BOARD SHALL BE SUPPORTED IN ITS  
11 DUTIES BY THE STAFF OF THE OFFICE AND MAY USE OPERATIONAL  
12 SUPPORT SERVICES OF THE OFFICE, SUCH AS MAILING AND DUPLICATION  
13 SERVICES, TO CARRY OUT ITS DUTIES.

14 ARTICLE XXIV-C

15 PUBLIC WORKS EMPLOYMENT VERIFICATION  
16 SECTION 2401-C. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "DEPARTMENT." THE DEPARTMENT OF GENERAL SERVICES OF THE  
21 COMMONWEALTH.

22 "EMPLOYEE." AN INDIVIDUAL HIRED BY A PUBLIC WORKS CONTRACTOR  
23 OR SUBCONTRACTOR FOR WHOM THE PUBLIC WORKS CONTRACTOR OR  
24 SUBCONTRACTOR IS REQUIRED BY LAW TO FILE A FORM W-2 WITH THE  
25 INTERNAL REVENUE SERVICE.

26 "EVP." THE E-VERIFY PROGRAM OPERATED BY THE DEPARTMENT OF  
27 HOMELAND SECURITY THAT ELECTRONICALLY VERIFIES EMPLOYMENT  
28 ELIGIBILITY FOR EMPLOYEES.

29 "PUBLIC BODY." THE COMMONWEALTH OF PENNSYLVANIA, ANY OF ITS  
30 POLITICAL SUBDIVISIONS, ANY AUTHORITY CREATED BY THE GENERAL

1 ASSEMBLY OF THE COMMONWEALTH AND ANY INSTRUMENTALITY OR AGENCY  
2 OF THE COMMONWEALTH.

3 "PUBLIC WORK." AS DEFINED UNDER SECTION 2 OF THE ACT OF  
4 AUGUST 15, 1961 (P.L.987, NO.442), KNOWN AS THE PENNSYLVANIA  
5 PREVAILING WAGE ACT.

6 "PUBLIC WORKS CONTRACTOR." A CONTRACTOR THAT PROVIDES WORK  
7 UNDER A CONTRACT INVOLVING A PUBLIC WORK.

8 "SECRETARY." THE SECRETARY OF GENERAL SERVICES OF THE  
9 COMMONWEALTH.

10 "SUBCONTRACTOR." A PERSON, OTHER THAN A NATURAL PERSON,  
11 REGARDLESS OF ITS TIER, INCLUDING, BUT NOT LIMITED TO, A  
12 STAFFING AGENCY THAT PERFORMS WORK FOR A PUBLIC WORKS CONTRACTOR  
13 UNDER A CONTRACT FOR A PUBLIC WORK. THE TERM SHALL NOT INCLUDE  
14 PERSONS THAT ARE MATERIAL SUPPLIERS FOR A PROJECT.

15 "WILLFUL." ACTION OR CONDUCT UNDERTAKEN INTENTIONALLY OR  
16 WITH RECKLESS DISREGARD FOR OR DELIBERATE IGNORANCE OF THE  
17 REQUIREMENTS AND OBLIGATIONS ESTABLISHED UNDER THIS ARTICLE.

18 SECTION 2402-C. DUTY OF PUBLIC WORKS CONTRACTORS AND  
19 SUBCONTRACTORS.

20 (A) GENERAL RULE.--A PUBLIC WORKS CONTRACTOR OR  
21 SUBCONTRACTOR SHALL PARTICIPATE IN EVP AND SHALL, SUBJECT TO THE  
22 REQUIREMENTS OF FEDERAL LAW GOVERNING THE USE OF EVP, USE EVP TO  
23 VERIFY EMPLOYMENT ELIGIBILITY OF EACH NEW EMPLOYEE. THE  
24 DEPARTMENT SHALL POST ON ITS PUBLICLY ACCESSIBLE INTERNET  
25 WEBSITE INFORMATION REGARDING THE REQUIREMENTS OF FEDERAL LAW  
26 GOVERNING THE USE OF EVP.

27 (B) DISCRIMINATION PROHIBITED.--IN CONDUCTING THE  
28 VERIFICATION REQUIRED BY THIS SECTION, A PUBLIC WORKS CONTRACTOR  
29 OR SUBCONTRACTOR SHALL NOT DISCRIMINATE AGAINST AN EMPLOYEE ON  
30 THE BASIS OF RACE, ETHNICITY, COLOR OR NATIONAL ORIGIN.

1 SECTION 2403-C. VERIFICATION FORM.

2 (A) GENERAL RULE FOR PUBLIC WORKS CONTRACTORS.--AS A  
3 PRECONDITION OF BEING AWARDED A CONTRACT FOR A PUBLIC WORK, OR  
4 WITH RESPECT TO A CONTRACT THAT WAS AWARDED PRIOR TO THE  
5 EFFECTIVE DATE OF THIS SUBSECTION BUT HAS NOT YET BEEN EXECUTED,  
6 PRIOR TO THE EXECUTION OF THE CONTRACT, A PUBLIC WORKS  
7 CONTRACTOR SHALL PROVIDE THE PUBLIC BODY WITH A VERIFICATION  
8 FORM DESCRIBED IN SUBSECTION (C), ACKNOWLEDGING ITS  
9 RESPONSIBILITIES UNDER AND ITS COMPLIANCE WITH SECTION 2402-C  
10 AND STATING THAT THE CONTRACTOR IS ENROLLED IN EVP. CONTRACTS  
11 BETWEEN A PUBLIC WORKS CONTRACTOR AND ITS SUBCONTRACTORS SHALL  
12 CONTAIN INFORMATION ABOUT THE REQUIREMENTS OF THIS ARTICLE.

13 (B) GENERAL RULE FOR SUBCONTRACTORS.--PRIOR TO COMMENCING  
14 WORK ON A PUBLIC WORKS PROJECT, A SUBCONTRACTOR SHALL PROVIDE  
15 THE PUBLIC BODY WITH A VERIFICATION FORM DESCRIBED IN SUBSECTION  
16 (C) ACKNOWLEDGING ITS RESPONSIBILITIES AND ITS COMPLIANCE WITH  
17 SECTION 2402-C AND STATING THAT THE SUBCONTRACTOR IS ENROLLED IN  
18 EVP. CONTRACTS BETWEEN A SUBCONTRACTOR AND ITS SUBCONTRACTORS  
19 SHALL CONTAIN INFORMATION ABOUT THE REQUIREMENTS OF THIS  
20 ARTICLE.

21 (C) FORM.--THE VERIFICATION FORM REQUIRED BY THIS SECTION  
22 SHALL BE ON A FORM PRESCRIBED BY THE SECRETARY AND POSTED ON THE  
23 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE AND SHALL  
24 COMPLY WITH THE FOLLOWING ADDITIONAL REQUIREMENTS:

25 (1) THE STATEMENT SHALL INCLUDE A CERTIFICATION THAT THE  
26 INFORMATION IN THE STATEMENT IS TRUE AND CORRECT AND THAT THE  
27 INDIVIDUAL SIGNING THE STATEMENT UNDERSTANDS THAT THE  
28 SUBMISSION OF FALSE OR MISLEADING INFORMATION IN CONNECTION  
29 WITH THE VERIFICATION SHALL SUBJECT THE INDIVIDUAL AND THE  
30 PUBLIC WORKS CONTRACTOR OR SUBCONTRACTOR, AS THE CASE MAY BE,

1 TO SANCTIONS PROVIDED BY LAW.

2 (2) THE STATEMENT SHALL BE SIGNED BY A REPRESENTATIVE OF  
3 THE PUBLIC WORKS CONTRACTOR OR SUBCONTRACTOR, AS APPLICABLE,  
4 WHO HAS SUFFICIENT KNOWLEDGE AND AUTHORITY TO MAKE THE  
5 REPRESENTATIONS AND CERTIFICATIONS CONTAINED IN THE  
6 STATEMENT.

7 SECTION 2404-C. VIOLATIONS.

8 IT IS A VIOLATION OF THIS ARTICLE FOR A PUBLIC WORKS  
9 CONTRACTOR OR SUBCONTRACTOR ON A PUBLIC WORK TO:

10 (1) FAIL TO VERIFY THE EMPLOYMENT ELIGIBILITY OF A NEW  
11 EMPLOYEE THROUGH EVP IN ACCORDANCE WITH FEDERAL LAW.

12 (2) NOT PROVIDE THE VERIFICATION FORM AS REQUIRED UNDER  
13 SECTION 2403-C OR MAKE A FALSE STATEMENT OR MISREPRESENTATION  
14 WITH RESPECT TO COMPLETING THE FORM.

15 SECTION 2405-C. ENFORCEMENT AND SANCTIONS.

16 (A) GENERAL RULE.--THE DEPARTMENT SHALL ENFORCE THIS  
17 ARTICLE.

18 (B) INVESTIGATION OF COMPLAINTS.--THE DEPARTMENT SHALL  
19 ACCEPT, REVIEW AND INVESTIGATE IN A TIMELY MANNER ANY CREDIBLE  
20 COMPLAINT THAT A PUBLIC WORKS CONTRACTOR OR SUBCONTRACTOR HAS  
21 VIOLATED A PROVISION OF THIS ARTICLE.

22 (C) AUDITS.--TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF  
23 THIS ARTICLE, THE DEPARTMENT SHALL CONDUCT COMPLAINT-BASED AND  
24 RANDOM AUDITS OF PUBLIC WORKS CONTRACTORS AND SUBCONTRACTORS IN  
25 THIS COMMONWEALTH.

26 (D) REIMBURSEMENT OF DEPARTMENT.--

27 (1) THE DEPARTMENT MAY REQUIRE A PUBLIC WORKS CONTRACTOR  
28 OR SUBCONTRACTOR TO REIMBURSE THE DEPARTMENT FOR THE COST OF  
29 AN AUDIT IF THE PUBLIC WORKS CONTRACTOR OR SUBCONTRACTOR:

30 (I) IS DEBARRED FROM PUBLIC WORK UNDER SUBSECTION

1           (E); OR  
2           (II) IS SUBJECT TO A CIVIL PENALTY UNDER SUBSECTION  
3           (F).

4           (2) THE COST OF AN AUDIT SHALL BE REASONABLY BASED ON  
5           THE AMOUNT OF STAFF TIME SPENT ON CONDUCTING AN INDIVIDUAL  
6           AUDIT.

7           (E) SANCTIONS.--THE FOLLOWING SANCTIONS SHALL APPLY ONLY TO  
8           A VIOLATION UNDER SECTION 2404-C(1):

9           (1) FOR A FIRST VIOLATION, A PUBLIC WORKS CONTRACTOR OR  
10           SUBCONTRACTOR SHALL RECEIVE A WARNING LETTER FROM THE  
11           DEPARTMENT DETAILING THE VIOLATION. THE LETTER SHALL BE  
12           POSTED ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET  
13           WEBSITE.

14           (2) FOR A SECOND VIOLATION, A PUBLIC WORKS CONTRACTOR OR  
15           SUBCONTRACTOR SHALL BE DEBARRED FROM PUBLIC WORK FOR 60 DAYS.

16           (3) FOR A THIRD VIOLATION AND SUBSEQUENT VIOLATIONS, A  
17           PUBLIC WORKS CONTRACTOR OR SUBCONTRACTOR SHALL BE DEBARRED  
18           FROM PUBLIC WORK FOR NOT LESS THAN ONE YEAR AND NOT MORE THAN  
19           TWO YEARS.

20           (4) IN THE CASE OF AN ALLEGED WILLFUL VIOLATION, THE  
21           SECRETARY SHALL FILE A PETITION IN COMMONWEALTH COURT SEEKING  
22           TO HAVE THE COURT ISSUE A RULE TO SHOW CAUSE WHY A PUBLIC  
23           WORKS CONTRACTOR OR SUBCONTRACTOR DID NOT ENGAGE IN THE  
24           WILLFUL VIOLATION. IF THE COURT FINDS THAT THE PUBLIC WORKS  
25           CONTRACTOR OR SUBCONTRACTOR ENGAGED IN A WILLFUL VIOLATION,  
26           THE COURT SHALL ORDER THAT THE PUBLIC WORKS CONTRACTOR OR  
27           SUBCONTRACTOR BE DEBARRED FROM PUBLIC WORK FOR A PERIOD OF  
28           THREE YEARS.

29           (5) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1), (2)  
30           OR (3), A VIOLATION BY A PUBLIC WORKS CONTRACTOR OR

1 SUBCONTRACTOR THAT OCCURS 10 OR MORE YEARS AFTER A PRIOR  
2 VIOLATION SHALL BE DEEMED TO BE A FIRST VIOLATION.

3 (6) FOR THE PURPOSES OF ASSESSING SANCTIONS, VIOLATIONS  
4 COMMITTED BY A CONTRACTOR OR SUBCONTRACTOR SUBJECT TO THIS  
5 ARTICLE INVOLVING A SINGLE PUBLIC WORKS CONTRACT SHALL BE  
6 CONSIDERED A SINGLE VIOLATION DESPITE THE NUMBER OF EMPLOYEES  
7 THAT ARE THE SUBJECT OF THE VIOLATIONS.

8 (F) CIVIL PENALTY AND SANCTIONS.--THE FOLLOWING SHALL APPLY:

9 (1) A PUBLIC WORKS CONTRACTOR OR SUBCONTRACTOR THAT  
10 VIOLATES SECTION 2404-C(2) SHALL BE SUBJECT TO A CIVIL  
11 PENALTY OF NOT LESS THAN \$2,500 AND NOT MORE THAN \$25,000 FOR  
12 EACH VIOLATION, TO BE IMPOSED BY THE DEPARTMENT BASED ON THE  
13 DURATION AND SEVERITY OF THE VIOLATION.

14 (2) IN ADDITION TO THE PENALTY UNDER PARAGRAPH (1), IN  
15 THE EVENT OF A WILLFUL VIOLATION OF SECTION 2404-C(2), A  
16 PUBLIC WORKS CONTRACTOR OR SUBCONTRACTOR SHALL BE SUBJECT TO  
17 DEBARMENT FOR NOT LESS THAN 60 DAYS NOR MORE THAN THREE  
18 YEARS, DEPENDING ON THE DURATION AND SEVERITY OF THE  
19 VIOLATION.

20 (G) NOTICE AND APPEAL.--ACTIONS TAKEN BY THE DEPARTMENT  
21 UNDER SUBSECTIONS (E) (1), (2) AND (3) AND (F) SHALL BE SUBJECT  
22 TO THE NOTICE, APPEAL AND OTHER PROVISIONS OF 2 PA.C.S.  
23 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

24 SECTION 2406-C. PUBLIC WORKS EMPLOYMENT VERIFICATION ACCOUNT.

25 (A) ESTABLISHMENT.--THE PUBLIC WORKS EMPLOYMENT VERIFICATION  
26 ACCOUNT IS ESTABLISHED AS A RESTRICTED REVENUE, INTEREST-BEARING  
27 ACCOUNT IN THE GENERAL FUND.

28 (B) DEPOSITS.--THE DEPARTMENT SHALL DEPOSIT PENALTIES  
29 COLLECTED UNDER SECTION 2405-C(F) INTO THE ACCOUNT.

30 (C) USE OF ACCOUNT.--MONEY IN THE ACCOUNT AND INTEREST



1 EARNED ON THE ACCOUNT IS APPROPRIATED ON A CONTINUING BASIS TO  
2 THE DEPARTMENT FOR THE PURPOSES OF ADMINISTERING AND ENFORCING  
3 THE PROVISIONS OF THIS ARTICLE.

4 SECTION 2407-C. PROTECTION FROM RETALIATION.

5 (A) GENERAL RULE.--IT SHALL BE UNLAWFUL FOR A PUBLIC WORKS  
6 CONTRACTOR OR SUBCONTRACTOR TO DISCHARGE, THREATEN OR OTHERWISE  
7 RETALIATE OR DISCRIMINATE AGAINST AN EMPLOYEE REGARDING  
8 COMPENSATION OR OTHER TERMS OR CONDITIONS OF EMPLOYMENT BECAUSE  
9 THE EMPLOYEE:

10 (1) PARTICIPATES IN AN INVESTIGATION, HEARING OR INQUIRY  
11 HELD BY THE SECRETARY OR ANY OTHER GOVERNMENTAL AUTHORITY  
12 UNDER THIS ARTICLE; OR

13 (2) REPORTS OR MAKES A COMPLAINT REGARDING THE VIOLATION  
14 OF THIS ARTICLE TO A PUBLIC WORKS CONTRACTOR OR SUBCONTRACTOR  
15 OR TO ANY GOVERNMENTAL AUTHORITY.

16 (B) ACTIONS.--

17 (1) AN EMPLOYEE WHO SUFFERS RETALIATION OR  
18 DISCRIMINATION IN VIOLATION OF THIS SECTION MAY BRING AN  
19 ACTION IN A COURT OF COMMON PLEAS IN ACCORDANCE WITH  
20 ESTABLISHED CIVIL PROCEDURES OF THIS COMMONWEALTH.

21 (2) THE ACTION MUST BE BROUGHT WITHIN 180 DAYS FROM THE  
22 DATE THE EMPLOYEE KNEW OF THE RETALIATION OR DISCRIMINATION.

23 (C) RELIEF.--IF AN EMPLOYEE PREVAILS IN AN ACTION COMMENCED  
24 UNDER THIS SECTION, THE EMPLOYEE SHALL BE ENTITLED TO THE  
25 FOLLOWING RELIEF:

26 (1) REINSTATEMENT OF THE EMPLOYEE, IF APPLICABLE.

27 (2) RESTITUTION EQUAL TO THREE TIMES THE AMOUNT OF THE  
28 EMPLOYEE'S WAGES AND FRINGE BENEFITS CALCULATED FROM THE DATE  
29 OF THE RETALIATION OR DISCRIMINATION.

30 (3) REASONABLE ATTORNEY FEES AND COSTS OF THE ACTION.



1           (2) THE ACT OF JULY 5, 2012 (P.L.1086, NO.127), KNOWN AS  
2 THE PUBLIC WORKS EMPLOYMENT VERIFICATION ACT, IS REPEALED.  
3 SECTION 5. THE ADDITION OF ARTICLE XXII-C OF THE ACT IS A  
4 CONTINUATION OF ARTICLE XXII-B OF THE ACT. EXCEPT AS OTHERWISE  
5 PROVIDED IN ARTICLE XXII-C OF THE ACT, ALL ACTIVITIES INITIATED  
6 UNDER ARTICLE XXII-B OF THE ACT SHALL CONTINUE AND REMAIN IN  
7 FULL FORCE AND EFFECT AND MAY BE COMPLETED UNDER ARTICLE XXII-C  
8 OF THE ACT. ORDERS, REGULATIONS, RULES AND DECISIONS WHICH WERE  
9 MADE UNDER ARTICLE XXII-B OF THE ACT AND WHICH ARE IN EFFECT ON  
10 THE EFFECTIVE DATE OF SECTION 2 OF THIS ACT SHALL REMAIN IN FULL  
11 FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER  
12 ARTICLE XXII-C OF THE ACT. CONTRACTS, OBLIGATIONS AND COLLECTIVE  
13 BARGAINING AGREEMENTS ENTERED INTO UNDER ARTICLE XXII-B OF THE  
14 ACT ARE NOT AFFECTED NOR IMPAIRED BY THE REPEAL OF ARTICLE XXII-  
15 B OF THE ACT.

16 SECTION 6. THE ADDITION OF ARTICLE XXIV-C OF THE ACT IS A  
17 CONTINUATION OF THE ACT OF JULY 5, 2012 (P.L.1086, NO.127),  
18 KNOWN AS THE PUBLIC WORKS EMPLOYMENT VERIFICATION ACT. EXCEPT AS  
19 OTHERWISE PROVIDED IN ARTICLE XXIV-C OF THE ACT, ALL ACTIVITIES  
20 INITIATED UNDER THE PUBLIC WORKS EMPLOYMENT VERIFICATION ACT  
21 SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT AND MAY BE  
22 COMPLETED UNDER ARTICLE XXIV-C OF THE ACT. ORDERS, REGULATIONS,  
23 RULES AND DECISIONS WHICH WERE MADE UNDER THE PUBLIC WORKS  
24 EMPLOYMENT VERIFICATION ACT AND WHICH ARE IN EFFECT ON THE  
25 EFFECTIVE DATE OF SECTION 3(2) OF THIS ACT SHALL REMAIN IN FULL  
26 FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER  
27 ARTICLE XXIV-C OF THE ACT. CONTRACTS, OBLIGATIONS AND COLLECTIVE  
28 BARGAINING AGREEMENTS ENTERED INTO UNDER THE PUBLIC WORKS  
29 EMPLOYMENT VERIFICATION ACT ARE NOT AFFECTED NOR IMPAIRED BY THE  
30 REPEAL OF THE PUBLIC WORKS EMPLOYMENT VERIFICATION ACT.

1 SECTION 7. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.