

PENNSYLVANIA CONSERVATION CORPS ACT - OMNIBUS AMENDMENTS

Act of Jun. 25, 1997, P.L. 339, No. 38

CL. 27

Session of 1997

No. 1997-38

HB 798

AN ACT

Amending the act of July 2, 1984 (P.L.561, No.112), entitled "An act establishing the Pennsylvania Conservation Corps; and making an appropriation," further providing for definitions, for duties of the Secretary of Labor and Industry, for work experience projects, for program eligibility, for compensation and for supervisors; providing for volunteers; and further providing for annual reports, for appropriations, for funding and for expiration.

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

Section 1. Sections 2, 4, 5(a)(1), (2) and (5) and (d), 6, 7 and 8 of the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, amended July 2, 1993 (P.L.350, No.49), are amended to read:

Section 2. Definitions.

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

"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.

"Corps." The Pennsylvania Conservation Corps.

"Corpsmember." A participant in the corps pursuant to criteria set forth in section 6.

"Corpsmember development and training." General equivalency degree preparation, adult basic education, literacy instruction, vocational-technical classes, community college courses, life skills instruction, specialized academic and technical training, job search workshops, mentoring, ability assessment and other similar activities designed to improve the job skills and employability of corpsmembers.

"Crewleader." A participant in the corps who is employed to supervise corpsmembers pursuant to criteria set forth in section 8(c).

"Department." The Department of Labor and Industry.

"Human service projects." Projects which involve conservation work and the direct delivery of services which promote the well-being of children, the elderly, persons with physical and developmental disabilities or persons with low incomes.

"Local agency." Any political subdivision located within this Commonwealth.

"Secretary." The Secretary of Labor and Industry.

"Signature projects." Special-event, large-scale, short-term, highly visible projects which combine the efforts of more than one crew and promote the public good in ways consistent with this act.

"State agencies." The **Pennsylvania Fish and Boat Commission**, Game Commission, Historical and Museum Commission, Department

of [Environmental] **Conservation and Natural** Resources, Department of Public Welfare, Department of Corrections, Department of Education, Department of Aging, Department of Military Affairs, Pennsylvania Emergency Management Agency, Department of Community [Affairs] **and Economic Development** and Department of Labor and Industry.

Section 4. Duties of the secretary.

The secretary shall:

(1) Enroll eligible participants pursuant to section 6.

(2) Employ crewleaders pursuant to section 8.

(3) Appoint a director who shall act as the administrative officer of the corps. The director shall employ staff necessary to implement the provisions of this act.

(4) Develop or review proposed work experience projects submitted to the department by State **agencies** and local agencies and approve projects that meet the requirements of this act. **For the Commonwealth, only** State agencies **are** eligible to submit work experience projects [shall be limited to the Fish Commission, Game Commission, Historical and Museum Commission, Department of Environmental Resources, Department of Labor and Industry, Department of Public Welfare, Department of Corrections, Department of Military Affairs, Department of Aging, Department of Education, Department of Community Affairs and Pennsylvania Emergency Management Agency]. The secretary shall insure that work experience projects involve labor intensive improvement activities on public lands or facilities that will result in a future public value or have a potential for future revenue yield.

(5) Authorize utilization of the corps for approved work experience projects in urban, suburban and rural areas as necessary to carry out the provisions of this act.

(6) Execute contracts with State and local agencies containing any terms and conditions deemed necessary and desirable for the enrollment of corpsmembers in approved work experience projects; and, in the case of [job search skills, job application skills and ability assessments] **corpsmember development and training**, execute contracts or cooperative agreements with Federal **agencies**, State [or] **agencies**, local agencies, persons, firms, partnerships, associations or corporations for the provisions of these services.

(7) Authorize utilization of the corps for emergency projects within or outside this Commonwealth which shall include, but not be limited to, natural disasters, fire prevention and suppression and rescue of lost or injured persons. Corpsmember participation in emergency projects shall be voluntary. Corpsmembers shall receive adequate training prior to participating in an emergency project.

(8) Apply for and accept grants or contributions of funds from any public or private source, including the acceptance of Federal funds appropriated by the General Assembly. Such funds shall include Federal funds which may be provided under the National and Community Service Act of 1990 (Public Law 101-610, 104 Stat. 3127).

(9) Purchase, rent or otherwise acquire or obtain personal property, supplies, instruments, tools, equipment or conveniences necessary to complete work experience projects or provide corpsmember training.

(10) Develop program guidelines or regulations as it deems necessary to fairly and effectively administer this act.

(11) Authorize the exchange of corpsmembers and crewleaders with other established conservation corps/service programs in order to foster a spirit of understanding and to advance the goals of volunteerism and service. Participation in exchange projects shall be voluntary.

(12) Execute contracts for enrollment of corpsmembers in cities of the first class for projects designed to repel or remove graffiti or other institutional vandalism. The secretary may contract directly with not-for-profit agencies and organizations which shall be eligible for funding provided pursuant to section 12.1.

Section 5. Work experience projects.

(a) Purpose.--

(1) The secretary shall ensure that each work experience project established pursuant to the authority granted in section 4 shall provide [corpsmembers with educational opportunities and job] **corpsmember development and training** [skills, which may include general educational development, literacy training, adult basic education, job search skills and job application skills,] and **provide corpsmembers** with work experience related to the conservation, improvement or development of natural resources or the enhancement, preservation and maintenance of public lands, water or facilities.

(2) Projects developed may include fee-for-service projects with other **Federal agencies**, State **agencies** and local agencies and community-based nonprofit agencies which are qualified under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)). Fees for service will be retained by the department for use in the corps program. Fee-for-service projects may not be entered into with for-profit agencies nor may any fee-for-service project displace any other workers.

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(5) [Job] **Corpsmember development and training** may be provided directly by the agency administering the work experience project or by other agencies as provided in subsection (d).

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(d) Coordinated services.--Whenever available and appropriate, [adult education, job] **corpsmember development and training** [and placement services] provided through other Federal, State and local funded programs such as the Job Training Partnership Act Program, the Community Services Block Grant and the Job Centers shall be coordinated with projects developed under this act to assist eligible participants. [Coordinated services may include, but are not limited to, job placement assistance, adult literacy training, job search skills, job application skills and ability assessments.] Whenever possible, eligible participants without a high school diploma shall receive coordinated services that provide an opportunity to obtain an equivalent high school diploma. Within four weeks of enrollment in the corps, each corpsmember shall be referred to the Office of Employment Security for ability assessments, the results of which shall be provided to the department.

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Section 6. Eligibility for program.

(a) Criteria.--Persons participating in the corps program shall be young men and women who are:

(1) [Between the ages of 16] **At least 18 years of age** and [25] **less than 26 years of age, with the following exceptions:**

(i) **An individual 16 years of age may participate if enrolled in an approved school-to-work transition program.**

(ii) **An individual 17 years of age may participate if the individual:**

(A) **is enrolled in an approved school-to-work program;**

(B) **has graduated from high school; or**

(C) **has attained academic potential, as certified by the chief administrator of the school attended by the individual.**

(2) **Domiciled in the Commonwealth for at least six months prior to participating in the program.**

(3) **Registered with the local Job Center for employment.**

(4) **Physically and mentally capable of performing labor intensive work.**

(5) **Able to provide assurance that they did not leave school for the purpose of participating in the program.**

(b) Referrals.--Eligibility for corpsmembers shall be determined by the Job Centers which shall refer eligible participants to the department. For referral purposes, the Job Centers shall develop standards for classifying applicants into various levels of eligibility, based on the degree to which an applicant is economically disadvantaged, in accordance with applicant local labor supply. Job Centers shall seek referrals from schools, local agencies, community-based agencies and other youth and human service organizations for purposes of enrolling applicants in corps programs. The Job Centers shall refer applicants by order of classification, giving first priority to applicants between the ages of [16] **18** and 21 whose eligibility is based on financial status as required by joint or separate employment programs of the Federal and State governments. If the number of corps jobs is insufficient to employ all eligible individuals who apply for participation in the program, the Job Centers may provide the names of these eligible individuals to private sector employers or to job training programs requesting referrals, so long as the individuals referred agree to the referral being provided.

(c) Preference.--Preference in hiring shall be given to economically disadvantaged young people, especially those eligible applicants who receive general assistance, aid to families with dependent children (AFDC) or other public assistance benefits.

(d) Minors.--Persons 16 and 17 years of age must present an employment certificate issued under section 1391 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, on the same basis as would be required if they were employed by a firm, association or corporation.

Section 7. Compensation.

(a) Term of enrollment.--Corpsmembers shall be enrolled for a period of [six months] **one year**. At the option of the department, [corpsmembers] **a corpsmember** who [have] **has** successfully completed [their six-month] **a one-year** term may be enrolled for [a second] **up to two additional** six-month [term] **terms**. The department shall refer the names of corpsmembers who successfully complete their service in the corps to the Job Centers for assistance in securing private sector employment

or for enrollment in additional job training programs. The department may also provide the names of participants who successfully complete their service in the corps to private sector employers requesting referrals, with the approval of the participant.

(b) Minimum wage.--Corpsmembers shall receive an hourly wage no less than the State minimum wage as provided for by the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968. Corpsmembers [serving a second six-month term] **who have successfully completed their first six months in the program** shall receive additional hourly compensation of at least 10%.

(c) Benefits.--Corpsmembers shall not be entitled to any employee benefits provided to existing employees of the department or other agencies except for paid Commonwealth holidays and workmen's compensation coverage which shall be provided through the funds appropriated to carry out this act, nor shall service as a corpsmember qualify an individual for benefits under the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law. Corpsmembers who complete [six months] **one year** in the corps will be entitled to a [\$500] **\$1,000** bonus. Corpsmembers who complete [12] **six** months in the program will be entitled to [an additional] **draw up to \$500** [bonus at the end of their second six months in] **of their prospective bonuses to pay for corpsmember development and training the cost of which is too expensive to be covered entirely by the program.**

(d) Work hours.--Corpsmembers shall be scheduled to work the standard work hours of the department or of the State **agency** or local agency sponsoring the work experience project. In no instance shall corpsmembers be scheduled to work more than 40 hours per week. Corpsmembers may request and shall be excused as necessary for a maximum of [260] **520** hours per [six-month] **one-year** term of enrollment from scheduled work hours to participate in [adult education, job] **corpsmember development and training** [and placement services] which the department determines to be appropriate and [are] in accordance with the provisions of this act. Corpsmembers shall be compensated as set forth in subsection (b) for participating in [job] **corpsmember development and training** [and placement services] which the department determines [are] **to be** in accordance with the provisions of this act.

Section 8. Supervisors.

(a) Funding.--Funds available for this program may be expended to pay the wages of crewleaders who shall supervise corpsmembers as prescribed by the department.

(b) Crewleader criteria.--Persons eligible to be hired as crewleaders by the department shall be men and women who are:

- (1) Domiciled in the Commonwealth for at least six months prior to employment in the programs.
- (2) Registered with the local Job Center for employment.
- (3) Physically and mentally capable of performing labor intensive work and supervisory duties.
- (4) Not attending a postsecondary institution full time and who provide assurance that they did not leave school for the purpose of employment as a supervisor in the program.

(c) [Six-month term.--Crewleaders] **Term of employment.**--A crewleader [may] **shall** be employed by the department for a period [that may exceed the six-month limit established for corpsmembers.] **of one year. At the option of the department, a**

crewleader who has successfully completed a one-year term of service may be extended for subsequent one-year terms.

(d) Hourly wage.--Crewleaders shall receive an hourly wage that exceeds the hourly wage of corpsmembers by a minimum of \$5.00.

(e) Benefits.--Crewleaders shall not be entitled to any employee benefits provided to existing employees of the department or of other State **agencies** or local agencies except for paid Commonwealth holidays and workmen's compensation coverage which shall be provided through the funds appropriated to carry out this act. **A crewleader who has served for one year shall be entitled to five paid vacation days and five days of paid sick leave during each subsequent year of service.**

(f) Veterans' preference.--In the hiring of crewleaders, preference shall be given to honorably discharged veterans of the armed forces of the United States.

Section 2. The act is amended by adding a section to read:
Section 8.1. Volunteers.

(a) Authorization.--The secretary is authorized to recruit, train and accept, without regard to the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, or regulations promulgated under that act, the services of individuals to assist, without compensation, in carrying out the functions of the corps.

(b) Expenses.--The secretary is authorized to provide for incidental expenses for volunteers under this section. This subsection includes transportation, uniforms, lodging and subsistence.

(c) Status.--

(1) Except as set forth in paragraph (2), a volunteer under this section shall not be deemed to be a Commonwealth employee and shall not be subject to the provisions of law relating to Commonwealth employment. This paragraph includes law on hours of work, rates of compensation, leave, unemployment compensation and employee benefits.

(2) Paragraph (1) does not apply as follows:

(i) A volunteer under this section who performs work necessitating the operation of a Commonwealth vehicle shall be deemed an employee of the Commonwealth for the purposes of automobile liability and general liability.

(ii) For the purposes of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, a volunteer under this section shall be deemed an employee of the Commonwealth.

(3) A volunteer under this section may not be assigned to a position covered by a labor agreement filed with or authorized by the department.

Section 3. Sections 10, 12, 12.1 and 13.1 of the act, amended or added July 2, 1993 (P.L.350, No.49), are amended to read:

Section 10. Annual report.

On [October 1, 1990, and each year thereafter during the program's existence] **December 31**, the secretary shall report to the Chief Clerk of the House of Representatives and the Secretary of the Senate on the preceding fiscal year's impact of the program. All recipients of funds for approved projects shall provide the information requested by the department for the purposes of this report. The report shall include, but not be limited to:

(1) Productivity measures by the type of project funded.

- (2) The number of corpsmembers enrolled.
- (3) The average length of enrollment.
- (4) The extent of job training provided to participants.
- (5) The number of participants who find employment after completion of the project.
- (6) Estimated total dollar value of completed work projects by type of project.
- (7) Estimated potential revenue from projects completed by corpsmembers.
- (8) Estimated amount of dollar benefits in excess of dollar costs resulting from the program.
- (9) The amount of appropriated funds expended on program administration.
- (10) Completed projects by agencies.**
- (11) Projects in progress.**
- (12) Corps involvement in disaster relief.**

Section 12. Appropriation.

(a) Appropriation.--No more than 50% of any funds available annually for this program may be expended on work experience projects which are submitted by local agencies and approved by the secretary. No more than [3%] **5%** of the funds available for this program may be expended on program administration.

(b) Accounting procedures.--All funds expended or encumbered under the appropriation in section 202 of the act of July 1, 1985 (P.L.722, No.10A), known as the Pennsylvania Economic Revitalization Fund Appropriation Act of 1985, shall be credited against the appropriation made herein.

Section 12.1. Funding.

[For the 1989-1990 fiscal year and thereafter, funds] **Funds** provided for this program may be used for the following:

- (1) Corpsmember and crewleader wages and authorized benefits.
- (2) Site development and materials.
- (3) Funds available to local agencies shall be used to pay no more than 75% of the cost of site development and materials and up to 100% of the cost for corpsmember and crewleader wages for projects which meet the requirements of this act.
- (4) Program administration.
- (5) Corpsmember development and training activities and supplies.
- (6) Incidental expenses related to the use of volunteers under section 8.1(b).**

Section 13.1. Expiration.

This act and the Pennsylvania Conservation Corps shall expire June 30, [1997] **2000**.

Section 4. This act shall take effect immediately.

APPROVED--The 25th day of June, A. D. 1997.

THOMAS J. RIDGE