
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2293 Session of
1984

INTRODUCED BY MANDERINO, RYAN, COY, MILLER, IRVIS, PIEVSKY,
GALLAGHER, ANGSTADT, WESTON, PETRARCA, PETERSON, MERRY,
FREEMAN, AFFLERBACH, GANNON, DeLUCA, GRUITZA, KASUNIC, DALEY,
WILLIAMS, CESSAR, GEIST, COHEN, TRELLO, WAMBACH, HALUSKA,
WASS, JOHNSON, FATTAH, STEIGHNER, WOGAN, DeVERTER, TELEK,
SAURMAN, R. C. WRIGHT, JACKSON, SCHEETZ, HERSHEY, GRUPPO,
BOOK, SWIFT, ROBBINS, REINARD, COLE, WACHOB, GEORGE, COSLETT,
SERAFINI, GREENWOOD, McHALE, NOYE, STAIRS, DAVIES, MICHLOVIC,
RYBAK, PISTELLA, KUKOVICH, BALDWIN, SHOWERS, CAPPABIANCA,
McCALL, PRATT, STEWART, WOZNIAK, CORDISCO, PRESTON, BATTISTO,
KOSINSKI, DEAL, RAPPAPORT, OLIVER, SEVENTY, CLARK, DUFFY,
MRKONIC, SWEET, GAMBLE, RICHARDSON, MAYERNIK, PHILLIPS,
MACKOWSKI, MOWERY, SEMMEL, CIVERA, MICOZZIE, HOFFEL, LLOYD,
ITKIN, COWELL, DOMBROWSKI, D. R. WRIGHT, KENNEDY, BROUJOS AND
FEE, JUNE 13, 1984

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 26, 1984

AN ACT

1 Establishing the Pennsylvania Conservation Corps; AND MAKING AN <—
2 APPROPRIATION.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Pennsylvania
7 Conservation Corps Act.

8 Section 2. Definitions.

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

1 "Corps." The Pennsylvania Conservation Corps.

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

4 "Crewleader." A participant in the corps who is employed to
5 supervise corpsmembers pursuant to criteria set forth in section
6 8(c).

7 "Department." The Department of Environmental Resources.

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

10 "Secretary." The Secretary of the Department of
11 Environmental Resources.

12 "State agencies." The Fish Commission, Game Commission,
13 Historical and Museum Commission, Department of Environmental
14 Resources, Department of Military Affairs and, in the case of
15 job search skills and job application skills, the Department of
16 Labor and Industry.

17 Section 3. Pennsylvania Conservation Corps created.

18 There is hereby created within the Department of
19 Environmental Resources the Pennsylvania Conservation Corps.

20 Section 4. Duties of the secretary.

21 The secretary shall:

22 (1) Employ eligible participants pursuant to section 6
23 in work experience projects.

24 (2) Employ crewleaders pursuant to section 8.

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

29 (4) Develop or review proposed work experience projects
30 submitted to the department by State and local agencies and

1 approve projects that meet the requirements of this act.
2 State agencies eligible to submit work experience projects
3 shall be limited to the Fish Commission, Game Commission,
4 Historical and Museum Commission, Department of Environmental
5 Resources and Department of Military Affairs. The secretary
6 shall insure that work experience projects involve labor
7 intensive improvement activities on public lands or
8 facilities that will result in a future public value and have
9 a potential for future revenue yield. Projects approved by
10 the secretary shall include projects authorized and funded
11 under the under the act of (P.L. , No.), known as
12 the Recreational Improvement and Rehabilitation Act.

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

16 (6) Execute employment contracts with State and local
17 agencies containing any terms and conditions deemed necessary
18 and desirable for the employment of corpsmembers in approved
19 work experience projects; and in the case of job search
20 skills and job application skills, execute contracts or
21 cooperative agreements with Federal, State or local agencies,
22 persons, firms, partnerships, associations or corporations
23 for the provisions of these services.

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

1 (8) Apply for and accept grants or contributions of
2 funds from any public or private source, including the
3 acceptance of Federal funds appropriated by the General
4 Assembly.

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

8 (10) Develop program guidelines OR REGULATIONS as it ←
9 deems necessary to fairly and effectively administer this
10 act.

11 Section 5. Work experience projects.

12 (a) Purpose.--The secretary shall ensure that each work
13 experience project established pursuant to the authority granted
14 in section 4 shall provide corpsmembers with job training skills
15 which may include job search skills and job applications skills,
16 and with work experience related to the conservation,
17 improvement or development of natural resources or the
18 enhancement, preservation and maintenance of public lands, water
19 or facilities. Job training may be provided directly by the
20 agency administering the work experience project or by other
21 agencies as provided in subsection (d).

22 (b) Project criteria.--Work experience projects shall be
23 undertaken in urban, suburban and rural areas and shall be
24 selected on the basis of the environmental and natural resource
25 benefits each offers, the opportunities for public use each
26 offers, the on-the-job training value of each, the future public
27 value of the completed project, and the estimated additional
28 revenue to be generated for the Commonwealth or its subdivisions
29 from the completion of each project.

30 (c) Use of lands; exceptions.--All work experience projects

1 developed or approved and funded by the department shall be
2 limited to public lands and facilities except where a property
3 involving other lands will provide documented public value or
4 benefit. Reimbursement must be provided to the department for
5 that portion of the total costs which does not provide a public
6 benefit. The reimbursement will be retained by the department
7 for use in the corps program. In the case of emergencies and
8 natural disaster, projects may take place on land or at
9 facilities not owned by the department, other State agencies or
10 local agencies without regard to public benefit and private
11 reimbursement.

12 (d) Coordinated services.--Whenever available and
13 appropriate, job training and placement services provided
14 through other Federal, State and local funded programs such as
15 the Job Training Partnership Act Program, the Community Services
16 Block Grant and the Office of Employment Security shall be
17 coordinated with projects developed under this act to assist
18 eligible participants. Coordinated services may include, but are
19 not limited to, job placement assistance, adult literacy
20 training, job search skills, and job application skills.
21 Whenever possible, eligible participants without a high school
22 diploma shall receive coordinated services that provide an
23 opportunity to obtain an equivalent high school diploma.

24 (e) Standards.--Work sites of work experience projects shall
25 conform to appropriate health and safety standards.

26 (f) Projects not permitted.--Work experience shall not
27 include work on any project for removal or cleaning up of any
28 toxic waste or other hazardous substance.

29 Section 6. Eligibility for program.

30 (a) Criteria.--Persons participating in the corps program

1 shall be young men and women who are:

2 (1) Between the ages of 18 and 21.

3 (2) Economically disadvantaged.

4 (3) Domiciled in the Commonwealth for at least six
5 months prior to participating in the program.

6 (4) Registered with the Office of Employment Security
7 for employment.

8 (5) Physically and mentally capable of performing labor
9 intensive work.

10 (6) Not attending high school or postsecondary
11 institution full time and who provide assurance that they did
12 not leave school for the purpose of participating in the
13 program. Full-time high school and postsecondary students may
14 participate in this program during authorized school
15 vacations.

16 (b) Referrals.--Eligibility for corpsmembers shall be
17 determined by the Office of Employment Security which shall
18 refer eligible participants to the department. If the number of
19 corps jobs is insufficient to employ all eligible individuals
20 who apply for participation in the program, the Office of
21 Employment Security may provide the names of these eligible
22 individuals to private sector employers or to job training
23 programs requesting referrals, so long as the individuals
24 referred agree to the referral being provided.

25 Section 7. Compensation.

26 (a) Six month term.--Corpsmembers shall be employed for a
27 period not to exceed six months. The department shall refer the
28 names of corpsmembers who successfully complete their employment
29 in the corps to the Office of Employment Security for assistance
30 in securing private sector employment or for enrollment in

1 additional job training programs. The department may also
2 provide the names of participants who successfully complete
3 their employment in the corps to private sector employers
4 requesting referrals, with the approval of the participant.

5 (b) Minimum wage.--Corpsmembers shall receive an hourly wage
6 no less than the State minimum wage as provided for by the act
7 of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage
8 Act of 1968.

9 (c) Benefits.--Corpsmembers shall not be entitled to any
10 employee benefits provided to existing employees of the
11 department or other agencies except for workmen's compensation
12 coverage which shall be provided through the funds appropriated
13 to carry out this act, NOR SHALL SERVICE AS A CORPSMEMBER <—
14 QUALIFY AN INDIVIDUAL FOR BENEFITS UNDER THE ACT OF DECEMBER 5,
15 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE
16 UNEMPLOYMENT COMPENSATION LAW.

17 (d) Work hours.--Corpsmembers shall be scheduled to work the
18 standard work hours of the department or of the State or local
19 agency sponsoring the work experience project. In no instance
20 shall corpsmembers be scheduled to work more than 40 hours per
21 week. Corpsmembers may request and shall be excused for a
22 maximum of ten hours per week from scheduled work hours to
23 participate in job training and placement services which the
24 department determines are in accordance with the provisions of
25 this act. Corpsmembers shall be compensated as set forth in
26 subsection (b) for participating in job training and placement
27 services which the department determines are in accordance with
28 the provisions of this act.

29 Section 8. Supervisors.

30 (a) Personnel.--Whenever possible, the department and other

1 State and local agencies shall use existing employees to
2 supervise the participants working on projects. No funds
3 available for this program shall be expended for the salaries,
4 wages or benefits paid to these existing employees.

5 (b) Funding.--If it is determined by the secretary that
6 supervision of corpsmembers is necessary to carry out corps
7 projects in the department or other State or local agencies,
8 funds available for this program may be expended to pay the
9 wages of crewleaders who shall supervise corpsmembers as
10 prescribed by the department.

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

13 (1) Domiciled in the Commonwealth for at least six
14 months prior to employment in the programs.

15 (2) Registered with the Office of Employment Security
16 for employment.

17 (3) Physically and mentally capable of performing labor
18 intensive work and supervisory duties.

19 (4) Not attending a postsecondary institution full time
20 and who provides assurance that they did not leave school for
21 the purpose of employment as a supervisor in the program.

22 (d) Six-month term.--Crewleaders may be employed by the
23 department for a period that may exceed the six-month limit
24 established for corpsmembers.

25 (e) Hourly wage.--Crewleaders shall receive an hourly wage
26 that does not exceed the hourly wage of corpsmembers by more
27 than \$2.00.

28 (f) Benefits.--Crewleaders shall not be entitled to any
29 employee benefits provided to existing employees of the
30 department or of other State or local agencies except for

1 workmen's compensation coverage which shall be provided through
2 the funds appropriated to carry out this act, NOR SHALL SERVICE ←
3 AS A CREWLEADER QUALIFY AN INDIVIDUAL FOR BENEFITS UNDER THE ACT
4 OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN
5 AS THE UNEMPLOYMENT COMPENSATION LAW.

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

9 Section 9. Prohibited activities.

10 The secretary in developing and approving projects, shall
11 assure that:

12 (1) In employment practices, no individual will be
13 discriminated against because of the individual's race,
14 color, religious creed, ancestry, sex, national origin or
15 nonjob related handicap or disability.

16 (2) No person shall make any payment to any other person
17 as compensation for referring an individual as a potential
18 corpsmember.

19 (3) Work available to participants will not be available
20 due to a labor dispute, strike or lockout and shall not be
21 assigned so as to cause a layoff or downgrading or to prevent
22 the return to work of an available competent employee.

23 (4) It shall be unlawful for anyone to demand from any
24 public officer, a corpsmember or crewleader any assessment or
25 percentage of any money or profit, or its equivalent in
26 support, service or any other thing of value, with the
27 understanding, express or implied, that the same may be used
28 or shall be used for political purposes. Nothing contained in
29 this act shall be construed to prohibit voluntary
30 contributions to any political committee or organization for

1 legitimate political and campaign purposes to the extent such
2 contributions are not prohibited by law.

3 Section 10. Annual report.

4 On March 1, 1985, and each year thereafter during the
5 program's existence, the secretary shall report to the Chief
6 Clerk of the House of Representatives and the Secretary of the
7 Senate on the cumulative impact of the program. The report shall
8 include, but not be limited to:

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

10 (2) The number of corpsmembers employed.

11 (3) The average length of employment.

12 (4) The extent of job training provided to participants.

13 (5) The number of participants who find employment after
14 completion of the project.

15 (6) Estimated total dollar value of completed work
16 projects by type of project.

17 (7) Estimated potential revenue from projects completed
18 by corpsmembers.

19 (8) Percentage increase in estimated value of sites
20 constructed or rehabilitated by corpsmembers.

21 (9) Estimated amount of dollar benefits in excess of
22 dollar costs resulting from the program.

23 All recipients of funds for approved projects shall provide the
24 information requested by the department for the purposes of this
25 report.

26 SECTION 11. GUIDELINES AND REGULATIONS. ←

27 (A) ONE-YEAR EXEMPTION FROM REVIEW.--IN ORDER TO FACILITATE
28 THE SPEEDY IMPLEMENTATION OF THIS PROGRAM, THE DEPARTMENT SHALL
29 HAVE THE POWER AND AUTHORITY TO PROMULGATE, ADOPT AND USE
30 GUIDELINES WHICH SHALL BE PUBLISHED IN THE PENNSYLVANIA

1 BULLETIN. THE GUIDELINES SHALL NOT BE SUBJECT TO REVIEW PURSUANT
2 TO SECTION 205 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240),
3 REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, SECTIONS 204(B)
4 AND 301(10) OF THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164),
5 KNOWN AS THE COMMONWEALTH ATTORNEYS ACT, OR THE ACT OF JUNE 25,
6 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT, AND
7 EXCEPT AS PROVIDED IN SUBSECTION (C), SHALL BE EFFECTIVE FOR A
8 PERIOD NOT TO EXCEED ONE YEAR FROM THE EFFECTIVE DATE OF THIS
9 ACT.

10 (B) EXPIRATION OF EXEMPTION.--EXCEPT AS PROVIDED IN
11 SUBSECTION (C), AFTER THE EXPIRATION OF THE ONE-YEAR PERIOD ALL
12 GUIDELINES SHALL EXPIRE AND SHALL BE REPLACED BY REGULATIONS
13 WHICH SHALL HAVE BEEN PROMULGATED, ADOPTED AND PUBLISHED AS
14 PROVIDED BY LAW.

15 (C) EXCEPTION.--THE GENERAL ASSEMBLY MAY PROVIDE FOR AN
16 EXTENSION OF THE GUIDELINES ADOPTED PURSUANT TO SUBSECTION (A),
17 IF THE LEADERSHIP COMMITTEE ESTABLISHED PURSUANT TO SECTIONS 3
18 AND 4 OF THE ACT OF DECEMBER 22, 1981 (P.L.508, NO.142), KNOWN
19 AS THE SUNSET ACT, EXTENDS THE GUIDELINES ADOPTED PURSUANT TO
20 SUBSECTION (A).

21 Section ~~11~~ 12. Appropriation. ←

22 For State fiscal year 1984-1985, the sum of \$7,500,000 is
23 hereby appropriated to the Department of Environmental Resources
24 from the Pennsylvania Economic Revitalization Fund. No more than
25 25% of the funds available annually for this program may be
26 expended on work experience projects which are submitted by
27 local agencies and approved by the secretary. No more than 3% of
28 the funds available for this program may be expended on program
29 administration.

30 Section ~~12~~ 13. Expiration. ←

