

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1945** Session of  
1985

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INTRODUCED BY MANDERINO, HAYES AND PIEVSKY, NOVEMBER 27, 1985

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REFERRED TO COMMITTEE ON APPROPRIATIONS, NOVEMBER 27, 1985

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AN ACT

1 Providing for the establishment, implementation and  
2 administration of a customized job training program; and  
3 imposing additional powers and duties on the Department of  
4 Education.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Customized  
9 Job Training Act.

10 Section 2. Legislative intent.

11 It is the intent of the General Assembly that a Customized  
12 Job Training Program be established to meet the training needs  
13 of the State's new and expanding business by enhancing the  
14 skills of the workers of this Commonwealth. In so doing, funding  
15 shall be dedicated towards training projects which result in net  
16 new full-time employment opportunities, significant wage  
17 improvements, the retention of otherwise lost jobs or other  
18 conditions which would offer substantial economic benefit to

1 this Commonwealth. Recognizing that many regions of the State  
2 remain severely economically distressed, customized job training  
3 programs should attempt to meet the special job training needs  
4 of these areas.

### 5 Section 3. Definitions.

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

9 "Capital investment." An expenditure for land, buildings,  
10 renovations, machinery and equipment which is directly related  
11 to the need for the proposed training.

12 "Current employee trainee." An individual who is currently  
13 employed by a business and who is enrolled in a training program  
14 designed to enhance that individual's skills and knowledge  
15 necessary for that individual to assume a higher level position,  
16 or to retrain the individual in order that a job which would  
17 have otherwise been lost could be retained.

18 "Department." The Department of Education of the  
19 Commonwealth.

20 "Dislocated worker." A worker who:

21 (1) Has been terminated or laid off, or who has received  
22 notice of termination or layoff, and is eligible for or has  
23 exhausted unemployment compensation benefits.

24 (2) Is unlikely to return to the industry or occupation  
25 in which the individual was employed.

26 (3) Has been terminated or received notice of  
27 termination as a result of the permanent closure or  
28 relocation of a plant, facility or plant operation in which  
29 the individual was employed.

30 (4) Is chronically unemployed.

(5) (i) Has limited opportunities for employment in the geographic area in which the individual resides.

(ii) Is an individual who may face substantial barriers to employment because of age.

"Displaced homemaker." A person who meets all of the following criteria:

(1) Has worked without pay as a homemaker for his or her family.

(2) Is not adequately employed.

(3) Has had or would have difficulty finding employment.

(4) Has depended on the income of a family member and has lost that income; or is or has been dependent on governmental assistance; or has been the recipient of disability assistance and is no longer eligible.

"Entry level trainee." An individual who is a prospective employee of a business and is enrolled in a training program designed to enable that individual to obtain and retain an entry-level position, paying at least the currently allowable minimum wage.

"Grant recipient." The local educational agency receiving funding from the department for the purpose of job training.

"Local educational agency." An eligible educational agency as designated by the department. The term includes any of the following Pennsylvania institutions:

(1) Area vocational-technical schools.

(2) Community and junior colleges.

(3) Intermediate units.

(4) Licensed private/proprietary business and trade schools.

(5) Public school districts.

1           (6) State or private universities.

2           (7) State-related universities.

3       "Net new jobs." The difference between the number of  
4 employees at the end of a training project (employees on the  
5 payroll at the relevant business locations on the date of  
6 submission of a job training application plus those employees  
7 training and hired) and the peak number of employees at those  
8 locations in the 12-month period immediately prior to the  
9 submission of the job training application.

10       "Private company." Any agricultural, industrial,  
11 manufacturing or research and development enterprise or  
12 enterprises, as defined in section 3 of the act of May 17, 1956  
13 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial  
14 Development Authority Act.

15       "Public assistance recipient." A person who has qualified  
16 for Federal and State public assistance payments.

17       "Training program." A systematic program, generally no  
18 longer than six months in duration, designed to provide a  
19 trainee with the skills and knowledge necessary to meet a  
20 business's specifications for a particular occupation or trade,  
21 the successful completion of which results in the trainee being  
22 employed full time by that business. Such programs may involve  
23 classroom instruction within the agency or within the business  
24 plant, or on-the-job training or any combination thereof.

25       "Unemployed individual." A person who has been without a job  
26 for a period of four months, who wants to work, and who is  
27 available for work.

28       Section 4. Powers and duties of the Department of Education.

29       The department shall have sole authority for the  
30 establishment, implementation and administration of the

1 Customized Job Training Program. Funds provided through this act  
2 shall be used exclusively for training grants to local  
3 educational agencies on behalf of private companies either  
4 located or expanding in Pennsylvania. The department shall be  
5 responsible for all of the following:

6 (1) Promulgate such policies, develop such forms and  
7 institute such procedures as may be necessary to implement  
8 this act.

9 (2) Approve or disapprove any request for grants  
10 according to the procedures outlined in this act.

11 (3) Require such information and records from each local  
12 educational agency as it deems necessary.

13 Section 5. Grant procedure.

14 (a) Private company commitments.--An application for a grant  
15 shall be initiated by a private company which is locating,  
16 expanding or upgrading a facility and shall be submitted to a  
17 local sponsor.

18 (b) Eligibility.--A company seeking a grant for customized  
19 job training must be able to provide to the department a  
20 statement that demonstrates that both the training for which a  
21 grant is to be made and State funds are necessary for the  
22 efficient and cost-effective operation of the business and could  
23 not be conducted with any other available resources. It is not  
24 the intent of the General Assembly to provide a grant to a  
25 private company that would have otherwise conducted the training  
26 itself.

27 (c) Grant applications:

28 (1) The local educational agency shall be responsible  
29 for:

30 (i) Preparing and submitting the application.

(ii) Preparing a detailed outline of the proposed training program in cooperation with the business.

(iii) Contacting the local Office of Employment Security (OES) and the local county board of assistance, when the application includes plans for training entry-level employees, to solicit referrals of candidates for the training program. The local educational agency shall request written certification from the Office of Employment Security and the local county board of assistance that there are not unemployed individuals, currently registered, who are adequately trained and available to fill positions for which the business is seeking training assistance.

(iv) Assuring compliance with the approved contact.

(v) Monitoring in-school, in-plant or on-the-job training programs.

(vi) Preparing and submitting reports as required by the department.

(vii) Maintaining accurate reports to substantiate expenditures.

(2) The private company shall be responsible for:

(i) Establishing criteria for the selection of trainees in consultation with the agency.

(ii) Recruitment of trainees for the entry-level customized job training program in conjunction with the agency, the local Office of Employment Security and the local county board of assistance.

(iii) Determining the number of individuals to be trained for the available entry-level positions. This figure may provide for reasonable attrition during the

1 training period.

2 (iv) Final selection of trainees.

3 (v) Reporting to the agency accurate training  
4 records and expenditure reports upon which payments and  
5 audits can be documented. Payments will be based on  
6 documented expenditures.

7 (vi) Selection of individuals from its current  
8 workforce to participate in any upgrading course. In  
9 making such selection, the firm must assure the local  
10 educational agency:

11 (A) the positions for which employees are being  
12 upgraded are positions which are not regularly  
13 available to entry-level employees, and for which  
14 adequately trained persons are not available;

15 (B) the positions for which employees are being  
16 upgraded offer higher wages, would have been lost if  
17 customized job retraining had not been conducted or  
18 are necessary for the company's competitiveness in  
19 the market;

20 (C) successful completion of the upgrading  
21 course will result in continued employment with the  
22 firm in the occupation for which the employee is  
23 being upgraded; and

24 (D) a concurrent capital investment will be made  
25 which is at least equal to the cost of the proposed  
26 training program and directly related to the need for  
27 upgrading of positions, or such upgrading will create  
28 an equal number of entry-level positions.

29 Section 6. Training program requirements.

30 (a) Training plan.--In conjunction with its grant

1 application, each agency shall develop and submit to the  
2 department a training plan. Such a training plan shall include:

3 (1) A statement of the objectives of the training  
4 program.

5 (2) The number of trainees, entry-level and current  
6 employees.

7 (3) A job description for the position to be filled by  
8 the trainee and the expected wage earned upon completion of  
9 the training program.

10 (4) A time schedule for the completion of the training  
11 program.

12 (5) A description of the facilities used for training.

13 (6) Evidence of certification by the Office of  
14 Employment Security.

15 (7) A statement of the evaluation criteria to be used to  
16 determine competency achievement or an evaluation of  
17 trainees' performance once the training program is completed.

18 (b) Review of application.--

19 (1) The department, when reviewing applications for  
20 training programs, should carefully consider all other  
21 available resources, including, but not limited to, private  
22 sector funds, other State or local agency training programs  
23 or funds made available under the Job Training Partnership  
24 Act (Public Law 97-300, 96 Stat. 1322).

25 (2) The department shall establish priorities for  
26 awarding of grants. Priority shall be given to a training  
27 program which serves a county in which the average  
28 unemployment rate in the most recently completed calendar  
29 year is above the Statewide average unemployment rate for the  
30 same period.



1           (3) Within 30 days of receipt of its application, the  
2       department shall provide each company and local educational  
3       agency with a letter outlining the current status of said  
4       application. This letter shall include an assessment of the  
5       completeness of the application, an estimate of the amount of  
6       time required for completion of the review and the  
7       application's present location within the process.

8       Section 7. Contracted services.

9       (a) Subcontracts.--The local educational agency may  
10      subcontract with a participating business or a nonprofit  
11      organization for provisions of all or a portion of the services  
12      to be provided, and funds may be allocated from the agency to  
13      the subcontractor for such purposes.

14      (b) Compliance.--The agreement for contracted services must  
15      include all provisions outlined in section 5(b).

16      Section 8. Compliance with statutes and collective bargaining  
17                                      agreements.

18      The department shall require each grant recipient to comply  
19      with appropriate State and Federal statutes and regulations  
20      governing employment discrimination, minority recruitment,  
21      minimum or prevailing wages, work site safety and procurement  
22      practices. The department shall require each grant recipient to  
23      certify that the training program does not abridge any  
24      contractual agreement between the business and the duly  
25      recognized representative of its employees.

26      Section 9. Funding.

27      Funding will be provided from an annual appropriation by the  
28      General Assembly.

29      (a) Funding support.--

30           (1) Customized job training will be used to support the

1 training costs for net new jobs. Up to 80% of the eligible  
2 entry level training costs will be provided except for those  
3 firms which meet the conditions of this paragraph, in which  
4 case 100% of the eligible entry level training costs will be  
5 provided.

6 (i) A private company locating in this Commonwealth.

7 (ii) A private company located in this Commonwealth  
8 which is in the early stages of start-up and expects to  
9 provide a substantial number of net new jobs for the  
10 Commonwealth.

11 (iii) A private company which is seeking to locate  
12 or expand and where the entry-level trainees will be at  
13 least 20% public assistance recipients, dislocated  
14 workers, unemployed individuals or displaced homemakers.

15 (2) Job training funding for eligible upgrade training  
16 costs shall normally not exceed 70% of such costs; however,  
17 the department may choose to grant exceptions when proposed  
18 training is considered to be in the best economic development  
19 interests of this Commonwealth. Proposals must show both a  
20 concurrent and significant capital investment at least equal  
21 to the amount of the grant requested and directly related to  
22 the need for the upgrading of job positions or that the  
23 upgrade training will result in the creation of an equal  
24 number of entry-level job positions. The above funding  
25 support formula will not apply to agency administration  
26 costs.

27 (b) Limitations on funding.--

28 (1) No funds used for training grants awarded under the  
29 provisions of this act shall cause the reduction of the work  
30 force, the displacement of workers employed by the company

1 prior to the commencement of the training program or cause  
2 the violation of any conditions of existing collective  
3 bargaining agreement.

4 (2) No funds appropriated pursuant to this act shall be  
5 used for retail job training.

6 (3) No funds will be used for training which will not  
7 result in full-time permanent employment.

8 (4) Funding for training shall be provided only to the  
9 extent that qualified individuals, as determined by the  
10 Office of Employment Security, are not available.

11 (5) Funds appropriated for training programs under this  
12 act are not intended to cause, aid or assist in the  
13 relocation of any business operation from one part of the  
14 Commonwealth to another.

15 (6) No more than 20% of the funds appropriated pursuant  
16 to this act shall be granted to projects in any one county.

17 (c) Reimbursement for training.--The final reimbursement to  
18 the local educational agency shall be withheld pending a final  
19 program audit by the department.

20 Section 10. Report to the General Assembly.

21 (a) Reporting.--On or before March 1 following the adoption  
22 of this act and in each succeeding year in which grants are  
23 made, the department shall provide a report to the Chief Clerk  
24 of the House of Representatives and the Secretary of the Senate  
25 for distribution to members of the General Assembly for the  
26 preceding calendar year. The report shall contain, but not be  
27 limited to, the following information:

28 (1) A list of the approved training programs, including  
29 the local educational agency providing the training program,  
30 the name of the private company, the cost of the training

1 program, the amount of private investment, number of new  
2 jobs, number of individuals trained, location of the training  
3 and employment, date of submission of the application by the  
4 agency, estimated completion date of project, and evidence of  
5 salary upgrading where appropriate.

6 (2) A list of applications not approved.

7 (3) A list of pending applications.

8 (4) A list of the training programs approved and  
9 completed in the fiscal year prior to the preceding fiscal  
10 year.

11 (5) In addition to the data required above, the  
12 department shall accumulate from the agencies the following  
13 data on an annual and cumulative basis:

14 (i) The number of jobs actually created as a result  
15 of the training project.

16 (ii) The number of people who, 180 days following  
17 completion of the training program, are found to be  
18 employed by the company.

19 (6) An overall statement of the progress of the program  
20 during the preceding year, along with recommendations for  
21 improvements.

22 (7) the number of unemployed individuals, public  
23 assistance recipients, dislocated workers and displaced  
24 homemakers participating in the training program.

#### 25 Section 11. Sanctions.

26 Any firm, after 180 days following completion of the  
27 training, which is found to be in violation of any employment  
28 provision of this act must pay to the Commonwealth a dollar  
29 amount equal to the percentage of workers not employed or  
30 upgraded according to the objectives stated in the training

1 plan. The department shall allow the agency or company found to  
2 be in violation of the employment provisions a reasonable period  
3 of time to appeal the violation when circumstances of employment  
4 or employment retention are thought to be beyond the control of  
5 the local educational agency or company. After the appeal  
6 process has been exhausted, the department shall make a  
7 determination that provisions of the training contract have been  
8 violated and shall immediately take steps to recover from the  
9 company or agency any dollar amounts determined to be payable to  
10 the Commonwealth.

11 Section 12. Guidelines and regulations.

12 (a) Temporary exemption from review.--In order to facilitate  
13 the speedy implementation of the program, the department shall  
14 have the power and authority to promulgate and adopt and use  
15 guidelines that shall be published in the Pennsylvania Bulletin.  
16 The guidelines shall not be subject to review pursuant to  
17 section 205 of the act of July 31, 1968 (P.L.769, No.240),  
18 referred to as the Commonwealth Documents Law, or the act of  
19 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review  
20 Act, and except as provided in subsection (c), shall be  
21 effective for a period ending not later than March 30, 1986.

22 (b) Expiration of exemption.--Except as provided in  
23 subsection (c), after the expiration of the temporary exemption  
24 period, all guidelines shall expire and shall be replaced by  
25 regulations which shall have been promulgated, adopted and  
26 published as provided by law.

27 (c) Exception.--Guidelines adopted and pursuant to  
28 subsection (a) may be continued in effect if the Leadership  
29 Committee created pursuant to section 3 of the act of December  
30 22, 1981 (P.L.508, No.142), known as the Sunset Act, extends the

1 guidelines.

2 Section 13. Requirements of other acts.

3       Enactment of this act shall be deemed to meet the  
4 requirements for enactment of a customized job training act by  
5 the General Assembly under section 211 of the act of June 30,  
6 1985 (P.L.       , No.5A), known as the General Appropriation Act  
7 of 1985, and the department is hereby authorized to expend all  
8 funds remaining unexpended, uncommitted or unencumbered in  
9 accord with the provisions of this act.

10 Section 14. Effective date.

11       This act shall take effect immediately.