

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 41

Session of
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JANUARY 27, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 3, 1993

AN ACT

1 Amending the act of July 2, 1984 (P.L.561, No.112), entitled "An
2 act establishing the Pennsylvania Conservation Corps; and
3 making an appropriation," further providing for definitions,
4 for duties of the Secretary of Labor and Industry, for
5 projects, for eligibility for program, for compensation, for
6 supervisors, for appropriations and for expiration of the
7 Pennsylvania Conservation Corps and the act; making a repeal;
8 and making editorial changes.

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

11 Section 1. Section 2 of the act of July 2, 1984 (P.L.561,
12 No.112), known as the Pennsylvania Conservation Corps Act,
13 amended July 1, 1989 (P.L.119, No.25), is amended to read:

14 Section 2. Definitions.

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

18 "Community-based agency." A private, nonprofit organization

1 that is representative of a community or a significant segment
2 of a community that is engaged in meeting human, educational or
3 environmental community needs.

4 "Corps." The Pennsylvania Conservation Corps.

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

7 "Crewleader." A participant in the corps who is employed to
8 supervise corpsmembers pursuant to criteria set forth in section
9 8(c).

10 "Department." The Department of [Environmental Resources.]
11 Labor and Industry.

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

17 "Local agency." Any [municipality] political subdivision
18 located within this Commonwealth.

19 "Secretary." The Secretary of [the Department of
20 Environmental Resources.] Labor and Industry.

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

25 "State agencies." The Fish Commission, Game Commission,
26 Historical and Museum Commission, Department of Environmental
27 Resources [and, in the case of job search skills, job
28 application skills and ability assessments, the], Department of
29 Public Welfare, Department of Corrections, Department of
30 Education, Department of Aging, Department of Military Affairs,

1 Pennsylvania Emergency Management Agency, Department of
2 Community Affairs and Department of Labor and Industry.

3 Section 2. Section 3 of the act is amended to read:

4 Section 3. Pennsylvania Conservation Corps created.

5 There is hereby created within the Department of
6 [Environmental Resources] Labor and Industry the Pennsylvania
7 Conservation Corps.

8 Section 3. Sections 4 and 5 of the act, amended July 1, 1989
9 (P.L.119, No.25), are amended to read:

10 Section 4. Duties of the secretary.

11 The secretary shall:

12 (1) [Employ] Enroll eligible participants pursuant to
13 section 6 [in work experience projects].

14 (2) Employ crewleaders pursuant to section 8.

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

19 (4) Develop or review proposed [work experience]
20 projects submitted to the department by State and local
21 agencies and approve projects that meet the requirements of
22 this act. State agencies eligible to submit [work experience]
23 projects shall be limited to the Fish Commission, Game
24 Commission, Historical and Museum Commission [and],
25 Department of Environmental Resources[.], Department of Labor
26 and Industry, Department of Public Welfare, Department of
27 Corrections, Department of Military Affairs, Department of
28 Aging, Department of Education, Department of Community
29 Affairs and Pennsylvania Emergency Management Agency. The
30 secretary shall insure that [work experience] projects

1 involve labor intensive improvement activities on public
2 lands or facilities that will result in a future public value
3 [and] or have a potential for future revenue yield.

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

7 (6) Execute [employment] contracts with State and local
8 agencies containing any terms and conditions deemed necessary
9 and desirable for the [employment] enrollment of corpsmembers
10 in approved [work experience] projects; and in the case of
11 job search skills, job application skills and ability
12 assessments, execute contracts or cooperative agreements with
13 Federal, State or local agencies, persons, firms,
14 partnerships, associations or corporations for the provisions
15 of these services.

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

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

29 (9) Purchase, rent or otherwise acquire or obtain
30 personal property, supplies, instruments, tools, equipment or

1 conveniences necessary to complete [work experience] projects
2 or provide corpsmember training.

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

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

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

17 Section 5. [Work experience projects.] Projects.

18 (a) Purpose.--

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

29 (2) Projects developed may include fee-for-service
30 projects with other State and local agencies and community-

1 based nonprofit agencies WHICH ARE QUALIFIED UNDER SECTION <—
2 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW
3 99-514, 26 U.S.C. § 501(C)(3)). Fees for service will be
4 retained by the department for use in the corps program. Fee-
5 for-service projects may not be entered into with for-profit
6 agencies, nor may any fee-for-service project displace any
7 other workers.

8 (3) The secretary may also develop State and local human
9 service projects which combine both conservation work and
10 human services, especially those projects and activities
11 which promote the social well-being or economic self-
12 sufficiency of the elderly, persons with physical or
13 developmental disabilities, children or other persons with
14 low incomes. The secretary shall give preference to those
15 human service projects that involve intergenerational
16 activities between corpsmembers and older persons in projects
17 that are in other ways consistent with this act.

18 (4) The secretary is also authorized to develop and
19 carry out signature projects involving more than one crew and
20 designed to have a high impact. These projects shall be
21 short-term and may involve working with community-based,
22 nonprofit organizations WHICH ARE QUALIFIED UNDER SECTION <—
23 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986.

24 (5) Job training may be provided directly by the agency
25 administering the [work experience] project or by other
26 agencies as provided in subsection (d).

27 (b) Project criteria.--[Work experience projects] Projects
28 shall be undertaken in urban, suburban and rural areas and shall
29 be selected on the basis of the environmental and natural
30 resource benefits each offers, the opportunities for public use

1 each offers, the educational opportunities and the on-the-job
2 training value of each, the future public value of the completed
3 project [and], the estimated additional revenue to be generated
4 for the Commonwealth or its subdivisions from the completion of
5 each project[.] and the savings in other public expenditures
6 that are provided by virtue of the project.

7 (c) Use of lands; exceptions.--All [work experience]
8 projects developed or approved and funded by the department
9 shall be limited to public lands and facilities except where a
10 property involving other lands will provide documented public
11 value or benefit. Reimbursement must be provided to the
12 department for that portion of the total costs which does not
13 provide a public benefit. The reimbursement will be retained by
14 the department for use in the corps program. In the case of
15 emergencies and natural disasters, projects may take place on
16 land or at facilities not owned by the department, other State
17 agencies or local agencies without regard to public benefit and
18 private reimbursement.

19 (d) Coordinated services.--Whenever available and
20 appropriate, adult education, job training and placement
21 services provided through other Federal, State and local funded
22 programs such as the Job Training Partnership Act Program, the
23 Community Services Block Grant and the [Office of Employment
24 Security] Job Centers shall be coordinated with projects
25 developed under this act to assist eligible participants.
26 Coordinated services may include, but are not limited to, job
27 placement assistance, adult literacy training, job search
28 skills, job application skills and ability assessments. Whenever
29 possible, eligible participants without a high school diploma
30 shall receive coordinated services that provide an opportunity

1 to obtain an equivalent high school diploma. [Within two weeks
2 of enrollment in the corps, each corpsmember shall be referred
3 to the Office of Employment Security for ability assessments,
4 the results of which shall be provided to the department.]

5 (e) Standards.--Work sites of [work experience] projects
6 shall conform to appropriate health and safety standards.

7 (f) Projects not permitted.--Work [experience] shall not
8 include [work on any project for] the removal or cleaning up of
9 any toxic waste or other hazardous substance.

10 Section 4. Section 6 of the act, amended July 2, 1986
11 (P.L.341, No.78) and July 1, 1989 (P.L.119, No.25), is amended
12 to read:

13 Section 6. Eligibility for program.

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

16 (1) Between the ages of [18] 16 and 25.

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

19 (3) Registered with the [Office of Employment Security]
20 local Job Center for employment.

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

23 (5) [Not attending high school or postsecondary
24 institution full time and who] Able to provide assurance that
25 they did not leave school for the purpose of participating in
26 the program. [Full-time high school and postsecondary
27 students may participate in this program during authorized
28 school vacations.]

29 (b) Referrals.--Eligibility for corpsmembers shall be
30 determined by the [Office of Employment Security] Job Centers

1 which shall refer eligible participants to the department. For
2 referral purposes, the [Office of Employment Security] Job
3 Centers shall develop standards for classifying applicants into
4 various levels of eligibility, based on the degree to which an
5 applicant is economically disadvantaged, in accordance with
6 applicant local labor supply. Job Centers shall seek referrals
7 from schools, local agencies, community-based agencies, and
8 other youth and human service organizations for purposes of
9 enrolling applicants in corps programs. The [Office of
10 Employment Security] Job Centers shall refer applicants by order
11 of classification, giving first priority to applicants between
12 the ages of [18] 16 and 21 whose eligibility is based on
13 financial status as required by joint or separate employment
14 programs of the Federal and State governments. If the number of
15 corps jobs is insufficient to employ all eligible individuals
16 who apply for participation in the program, the [Office of
17 Employment Security] Job Centers may provide the names of these
18 eligible individuals to private sector employers or to job
19 training programs requesting referrals, so long as the
20 individuals referred agree to the referral being provided.

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

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

1 Section 5. Section 7 of the act, amended July 1, 1989
2 (P.L.119, No.25), is amended to read:

3 Section 7. Compensation.

4 (a) Term of [employment] enrollment.--Corpsmembers shall be
5 [employed] enrolled for a period of six months. At the option of
6 the department, corpsmembers who have successfully completed
7 their six-month [enrollment] term may be [employed] enrolled for
8 a second six-month term. The department shall refer the names of
9 corpsmembers who successfully complete their [employment]
10 service in the corps to the [Office of Employment Security] Job
11 Centers for assistance in securing private sector employment or
12 for enrollment in additional job training programs. The
13 department may also provide the names of participants who
14 successfully complete their [employment] service in the corps to
15 private sector employers requesting referrals, with the approval
16 of the participant.

17 (b) Minimum wage.--Corpsmembers shall receive an hourly wage
18 no less than the State minimum wage as provided for by the act
19 of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage
20 Act of 1968. [Corpsmen] Corpsmembers serving a second six-month
21 term shall receive additional hourly compensation of at least
22 [5%] 10%.

23 (c) Benefits.--Corpsmembers shall not be entitled to any
24 employee benefits provided to existing employees of the
25 department or other agencies except for paid Commonwealth
26 holidays and workmen's compensation coverage which shall be
27 provided through the funds appropriated to carry out this act,
28 nor shall service as a corpsmember qualify an individual for
29 benefits under the act of December 5, 1936 (2nd Sp.Sess., 1937
30 P.L.2897, No.1), known as the Unemployment Compensation Law.

1 Corpsmembers who complete six months in the corps will be
2 entitled to a \$500 bonus. Corpsmembers who complete 12 months in
3 the program will be entitled to an additional \$500 bonus at the
4 end of their second six months in the program.

5 (d) Work hours.--Corpsmembers shall be scheduled to work the
6 standard work hours of the department or of the State or local
7 agency sponsoring the [work experience] project. In no instance
8 shall corpsmembers be scheduled to work more than 40 hours per
9 week. [Corpsmembers may request and shall be excused as
10 necessary for a maximum of 260 hours per six-month term of
11 enrollment from scheduled work hours to participate in adult
12 education, job training and placement services which the
13 department determines to be appropriate and are in accordance
14 with the provisions of this act.] Corpsmembers shall be excused
15 as necessary as determined by the department from scheduled work
16 hours to participate in adult education, job training,
17 corpsmember development and placement services which the
18 department determines to be appropriate and in accordance with
19 the provisions of this act. Corpsmembers shall be compensated as
20 set forth in subsection (b) for participating in job training
21 and placement services which the department determines are in
22 accordance with the provisions of this act.

23 Section 6. Section 8 of the act, amended July 2, 1986
24 (P.L.341, No.78) and July 1, 1989 (P.L.119, No.25), is amended
25 to read:

26 Section 8. Supervisors.

27 [(a) Personnel.--Whenever possible, the department and other
28 State and local agencies shall use existing employees to
29 supervise the participants working on projects. No funds
30 available for this program shall be expended for the salaries,

1 wages or benefits paid to these existing employees.

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

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

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

12 (2) Registered with the [Office of Employment Security]
13 local Job Center for employment.

14 (3) Physically and mentally capable of performing labor
15 intensive work and supervisory duties.

16 (4) Not attending a postsecondary institution full time
17 and who provide assurance that they did not leave school for
18 the purpose of employment as a supervisor in the program.

19 [(d)] (c) Six-month term.--Crewleaders may be employed by
20 the department for a period that may exceed the six-month limit
21 established for corpsmembers.

22 [(e)] (d) Hourly wage.--Crewleaders shall receive an hourly
23 wage that exceeds the hourly wage of corpsmembers by a minimum
24 of [\$2.00] \$5.00.

25 [(f)] (e) Benefits.--Crewleaders shall not be entitled to
26 any employee benefits provided to existing employees of the
27 department or of other State or local agencies except for paid
28 Commonwealth holidays and workmen's compensation coverage which
29 shall be provided through the funds appropriated to carry out
30 this act.

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

4 Section 7. Section 10 of the act, amended July 1, 1989
5 (P.L.119, No.25), is amended to read:

6 Section 10. Annual report.

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

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

15 (2) The number of corpsmembers [employed] enrolled.

16 (3) The average length of [employment] enrollment.

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

18 (5) The number of participants who find employment after
19 completion of the project.

20 (6) Estimated total dollar value of completed work
21 projects by type of project.

22 (7) Estimated potential revenue from projects completed
23 by corpsmembers.

24 (8) Estimated amount of dollar benefits in excess of
25 dollar costs resulting from the program.

26 (9) The amount of appropriated funds expended on program
27 administration.

28 Section 8. Section 12 of the act, amended July 2, 1986
29 (P.L.341, No.78), is amended to read:

30 Section 12. Appropriation.

1 (a) Appropriation.--[The sum of \$20,720,000 is hereby
2 appropriated to the Department of Environmental Resources from
3 the Pennsylvania Economic Revitalization Fund for the fiscal
4 period July 1, 1986, to June 30, 1988. All funds from this
5 appropriation shall be expended by the Department of
6 Environmental Resources by June 30, 1988.] No more than [25%]
7 50% of [the] any funds available annually for this program may
8 be expended on [work experience] projects which are submitted by
9 local agencies and approved by the secretary. No more than 3% of
10 the funds available for this program may be expended on program
11 administration.

12 (b) Accounting procedures.--All funds expended or encumbered
13 under the appropriation in section 202 of the act of July 1,
14 1985 (P.L.722, No.10A), known as the Pennsylvania Economic
15 Revitalization Fund Appropriation Act of 1985, shall be credited
16 against the appropriation made herein.

17 Section 9. Section 12.1 of the act, added July 1, 1989
18 (P.L.119, No.25), is amended to read:
19 Section 12.1. Funding.

20 For the 1989-1990 fiscal year and thereafter, funds provided
21 for this program may be used for the following:

22 (1) Corpsmember and crewleader wages and authorized
23 benefits.

24 (2) Site development and materials.

25 (3) Funds available to local agencies shall be used to
26 pay no more than 75% of the cost of site development and
27 materials and up to 100% of the cost for corpsmember and
28 crewleader wages for projects which meet the requirements of
29 this act.

30 (4) Program administration.

1 (5) Corpsmember development and training activities and
2 supplies.

3 Section 10. The act is amended by adding a section to read:

4 Section 13.1. Expiration.

5 This act and the Pennsylvania Conservation Corps shall expire
6 June 30, 1997.

7 Section 11. Section 2216 of the act of April 9, 1929
8 (P.L.177, No.175), known as The Administrative Code of 1929, is
9 repealed.

10 Section 12. This act shall take effect immediately.