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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 41

Session of  
1993

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INTRODUCED BY LLOYD, PETRARCA, PISTELLA, CARONE, LINTON,  
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JANUARY 27, 1993

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 22, 1993

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### 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~~ FOUR <—  
2 weeks of enrollment in the corps, each corpsmember shall be  
3 referred to the Office of Employment Security for ability  
4 assessments, the results of which shall be provided to the  
5 department.

6 (e) Standards.--Work sites of ~~work experience~~ projects <—  
7 shall conform to appropriate health and safety standards.

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

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

14 Section 6. Eligibility for program.

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

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

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

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

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

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

30 (b) Referrals.--Eligibility for corpsmembers shall be



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

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

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

1 employed by a firm, association or corporation.

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

4 Section 7. Compensation.

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

18 (b) Minimum wage.--Corpsmembers shall receive an hourly wage  
19 no less than the State minimum wage as provided for by the act  
20 of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage  
21 Act of 1968. [Corpsmen] Corpsmembers serving a second six-month  
22 term shall receive additional hourly compensation of at least  
23 [5%] 10%.

24 (c) Benefits.--Corpsmembers shall not be entitled to any  
25 employee benefits provided to existing employees of the  
26 department or other agencies except for paid Commonwealth  
27 holidays and workmen's compensation coverage which shall be  
28 provided through the funds appropriated to carry out this act,  
29 nor shall service as a corpsmember qualify an individual for  
30 benefits under the act of December 5, 1936 (2nd Sp.Sess., 1937

1 P.L.2897, No.1), known as the Unemployment Compensation Law.  
2 Corpsmembers who complete six months in the corps will be  
3 entitled to a \$500 bonus. Corpsmembers who complete 12 months in  
4 the program will be entitled to an additional \$500 bonus at the  
5 end of their second six months in the program.

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

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

27 Section 8. Supervisors.

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

1 available for this program shall be expended for the salaries,  
2 wages or benefits paid to these existing employees.

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

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

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

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

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

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

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

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

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

1 this act.

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

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

7 Section 10. Annual report.

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

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

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

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

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

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

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

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

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

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

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

1 Section 12. Appropriation.

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

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

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

20 Section 12.1. Funding.

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

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

25 (2) Site development and materials.

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

1           (4) Program administration.

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

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

5           Section 13.1. Expiration.

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

8           Section 11. Section 2216 of the act of April 9, 1929

9           (P.L.177, No.175), known as The Administrative Code of 1929, is  
10          repealed.

11          Section 12. This act shall take effect immediately.