

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2471 Session of 2010

INTRODUCED BY SONNEY, SAYLOR, DENLINGER, FARRY, PEIFER,  
S. H. SMITH, TURZAI, BAKER, BARRAR, BEAR, BOYD, BRADFORD,  
CALTAGIRONE, CLYMER, CREIGHTON, CUTLER, ELLIS, GABLER, GEIST,  
GINGRICH, GOODMAN, GRELL, GROVE, HENNESSEY, HESS, HICKERNELL,  
HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, KILLION, KNOWLES,  
KRIEGER, MAJOR, MARSHALL, MARSICO, METZGAR, MICOZZIE,  
MILLARD, MILLER, MILNE, MOUL, MURT, OBERLANDER, O'NEILL,  
PALLONE, PAYTON, PHILLIPS, PICKETT, PYLE, RAPP, REICHLEY,  
SCAVELLO, SIPTROTH, SWANGER, TALLMAN, THOMAS AND VULAKOVICH,  
APRIL 29, 2010

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, APRIL 29,  
2010

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," further providing for  
4 workfare program.

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

7 Section 1. Section 405.2 of the act of June 13, 1967  
8 (P.L.31, No.21), known as the Public Welfare Code, amended or  
9 added April 8, 1982 (P.L.231, No.75), June 16, 1994 (P.L.319,  
10 No.49) and June 30, 1995 (P.L.129, No.20), is amended to read:

11 Section 405.2. Workfare Program.--(a) The department shall  
12 enter into cooperative agreements to establish workfare projects  
13 with [departments, agencies or institutions of the Commonwealth  
14 or any political subdivision located within the Commonwealth or

1 any agency of the Federal Government or department-approved  
2 nonprofit organizations or established for-profit temporary help  
3 organizations for temporary placement with] private, nonprofit  
4 or for-profit employers. Participating for-profit temporary help  
5 organizations shall recover their costs and profit from fees  
6 charged to employers on a voluntary basis. The department shall  
7 assign to these [work] workfare projects cash assistance  
8 recipients who are able to work but have been unable to secure  
9 employment. In instances when workfare projects are not  
10 available for all recipients, priority shall be given to general  
11 assistance recipients for referral to available projects. The  
12 department shall structure the workfare program to permit a  
13 claimant to be matched with a business participating in the  
14 program. The business shall provide recipients participating in  
15 the program with workplace training that provides skill  
16 enhancement from participating employers for up to twenty-four  
17 hours per week for up to six weeks. Upon completion of the  
18 training, recipients must be considered for employment by the  
19 participating employer.

20 (a.1) In order to participate in the program, a business  
21 shall certify all of the following to the department:

22 (1) that it has open employment positions available;  
23 (2) that it intends to hire for a position that a claimant  
24 may fill through the program; and

25 (3) that it will follow up a claimant's participation in the  
26 program with a performance evaluation of the claimant,  
27 regardless of whether or not the claimant is hired for  
28 employment.

29 (b) Every individual who has not received a bona fide offer  
30 of training or employment under section 405.1 shall, as a

1 condition of continuing eligibility for cash assistance, report  
2 to and work in an available workfare project established under  
3 this section unless such individual is exempt from the  
4 registration requirements of section 405.1. Such individual  
5 shall be required to work that number of hours which when  
6 multiplied by the applicable minimum wage equals the amount of  
7 cash assistance such person receives: Provided, however, That:

8 (1) such work shall not exceed forty hours per week; and

9 (2) the parent or other caretaker of a child between the  
10 ages of six and fourteen who is personally providing care for  
11 the child with only very brief and infrequent absences from the  
12 child shall not be required to participate in workfare projects  
13 except on days and at times when the child is in school or when  
14 there are adequate day-care arrangements available for the child  
15 at no cost to the recipient.

16 (c) Workfare projects established under this section must be  
17 approved by the department. To qualify for approval, a work site  
18 must conform to appropriate health and safety standards. Cash  
19 assistance recipients shall not be assigned to work  
20 opportunities available due to a labor dispute, strike, or  
21 lockout and shall not be assigned to perform work so as to cause  
22 the layoff, downgrading or prevention of return to work of an  
23 available competent employee. Cash assistance recipients shall be  
24 assigned to workfare projects within twenty-five miles of their  
25 place of residence unless the department determines that a  
26 greater distance is not a hardship.

27 (d) [A person who without good cause fails or refuses to  
28 accept assignment to and participate in a workfare project shall  
29 be terminated from assistance pursuant to section 432.3]

30 (Reserved).

1 (e) The department shall propose initial rules and  
2 regulations for the administration of this section prior to the  
3 effective date of this section. Neither initial rules and  
4 regulations nor any promulgated thereafter with regard to this  
5 section shall take effect without the approval of the General  
6 Assembly. The department's proposed initial rules and  
7 regulations shall be submitted to, and approved or disapproved  
8 by, the Senate and the House of Representatives in the same  
9 manner as provided for the consideration of reorganization plans  
10 provided for by the act of April 7, 1955 (P.L.23, No.8), known  
11 as the "Reorganization Act of 1955." In the event that the  
12 General Assembly disapproves the proposed rules and regulations,  
13 then the department shall submit new rules and regulations  
14 within thirty days.

15 (f) Workmen's compensation insurance premiums shall be the  
16 responsibility of the entity which provides the employment  
17 opportunity.

18 (g) An [independent] annual performance evaluation shall be  
19 performed by the department on the [community work experience]  
20 workfare program. A report [on the evaluation] shall be  
21 submitted to the Governor and the General Assembly no later than  
22 [March 31, 1995] July 1 of each year, and shall include, but not  
23 be limited to, the following information:

24 (1) The number of persons eligible for and actively  
25 participating in the program.

26 (2) A review of the program implementation process,  
27 including the number and type of [community work] workfare  
28 projects approved by the department, designated by county.

29 (3) Problems with achieving broader participation in the  
30 program.

1 (4) Program adjustments and resulting program activity.

2 (5) An examination of the extent to which public assistance  
3 recipients become employed, especially at the point of program  
4 enrollment and during program participation.

5 (6) An examination of the extent to which the existence of a  
6 program requirement appears to discourage employables from  
7 remaining on public assistance.

8 (7) [The number of persons who have been disqualified from  
9 cash assistance for noncompliance with the program] (Reserved).

10 (h) Within ninety days of the effective date of this  
11 section, the department shall submit to the appropriate Federal  
12 agency a request for any and all waivers of Federal law and  
13 regulations and for other approvals by the Federal Government  
14 necessary for the implementation of the programs established  
15 under this section. It shall be the obligation of the department  
16 to enter into good faith negotiations with the appropriate  
17 Federal authorities and to make every effort to obtain the  
18 necessary Federal waivers and approvals.

19 Section 2. This act shall take effect in 60 days.