
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1878 Session of
2013

INTRODUCED BY EVANKOVICH, SIMMONS, MACKENZIE, MILLARD, O'NEILL,
SCHLOSSBERG, AUMENT, KAUFFMAN, LUCAS, SAYLOR, DUNBAR, THOMAS,
COHEN, GROVE, TURZAI, KORTZ, EVERETT, BOBACK, TOOHL,
OBERLANDER, MURT, QUINN, GINGRICH, MIRABITO, REGAN AND FLECK,
DECEMBER 9, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, DECEMBER 9, 2013

AN ACT

1 Providing for Pennsylvania Workforce Investment Strategy
2 Program, for Cooperative Workforce Investment Partnerships,
3 for employee training programs and for Pennsylvania Workforce
4 Investment Strategy Tax Credit; imposing duties on the
5 Department of Community and Economic Development and the
6 Department of Revenue; providing for carryover, carryback,
7 refund and assignment, for pass-through entity, for
8 administration, for limitation and for interim and annual
9 reports.

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

12 Section 1. Short title.

13 This act shall be known and may be cited as the Pennsylvania
14 Workforce Investment Strategy Act.

15 Section 2. Definitions.

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

19 "Department." The Department of Labor and Industry of the
20 Commonwealth.

1 "Designated representative." A designated representative of
2 a business which participates in the program.

3 "Local workforce investment board." As defined in section
4 103 of the act of December 18, 2001 (P.L.949, No.114), known as
5 the Workforce Development Act.

6 "Program." The Pennsylvania Workforce Investment Strategy
7 Program established in section 3(a).

8 "Qualified tax liability." Tax liability imposed on a
9 taxpayer under Article III, IV, VI, VII, VIII, IX, XI or XV of
10 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
11 Code of 1971, excluding a tax withheld by an employer under
12 Article III of the Tax Reform Code of 1971.

13 "Qualifying workforce expenditure." Money spent by a
14 participating business for purposes directly attributable to the
15 implementation and utilization of an employee training program
16 established under this act.

17 "Taxpayer." A natural person, corporation, business trust,
18 limited liability company, partnership, limited liability
19 partnership, association or other form of legal business entity
20 that:

21 (1) is subject to a tax imposed under Article III, IV,
22 VI, VII, VIII, IX, XI or XV of the act of March 4, 1971
23 (P.L.6, No.2), known as the Tax Reform Code of 1971,
24 excluding a tax withheld by an employer under Article III of
25 the Tax Reform Code of 1971; and

26 (2) is participating in the program.

27 Section 3. Pennsylvania Workforce Investment Strategy Program.

28 (a) Establishment.--There is hereby established within the
29 department a program to be known as the Pennsylvania Workforce
30 Investment Strategy Program.

1 (b) Legislative intent.--It is the purpose of the program to
2 incentivize businesses to organize and collaborate with each
3 other to address common personnel needs and training shortfalls.
4 Participating businesses shall, with the assistance and
5 oversight of the department and the local workforce investment
6 board, develop employee training programs and implement them
7 utilizing preexisting infrastructure that is readily available.
8 The businesses shall be eligible for a tax credit to subsidize a
9 portion of their incurred expenses for participation in the
10 program.

11 (c) Administration.--The program shall be administered by
12 the department and shall require local workforce investment
13 boards to do the following:

14 (1) Identify and actively solicit eligible local
15 businesses organized under section 4 for participation in the
16 program.

17 (2) Work collaboratively with program participants to
18 develop and administer training programs in conformity with
19 section 5.

20 (3) Assist program participants in applying for and
21 securing tax credits available under this act.

22 (4) Collect quantitative and qualitative data on
23 critical program metrics and make a report to the department
24 in accordance with section 11.

25 Section 4. Cooperative Workforce Investment Partnerships.

26 (a) Solicitation.--The local workforce investment board
27 shall, in a manner prescribed by the department, biannually
28 notify businesses in its jurisdiction of the businesses' ability
29 to confederate for the purpose of participation in the program.

30 (b) Name.--For the purposes of program participation,

1 businesses that elect to confederate under this section shall
2 form an entity known as a Cooperative Workforce Investment
3 Partnership.

4 (c) Unlimited participation.--There shall be no limit to the
5 number of Cooperative Workforce Investment Partnerships formed
6 in the jurisdiction of a local workforce investment board. There
7 shall be no limit to the number of participating businesses
8 within a single Cooperative Workforce Investment Partnership.

9 (d) Standards for business participation.--Businesses
10 forming or participating in a Cooperative Workforce Investment
11 Partnership need not be linked by common industry practices,
12 products, services, technologies or supply chains but must, in
13 the judgment of the local workforce investment board, endure
14 similar chronic or immediate personnel needs and training
15 shortfalls for similar classes and types of employees who:

16 (1) perform substantively similar essential job
17 functions;

18 (2) possess or require similar knowledge bases and
19 critical skills; or

20 (3) undergo similar physical demands.

21 (e) Application requirements.--A business that elects to
22 form a Cooperative Workforce Investment Partnership shall submit
23 an application to the local workforce investment board on a form
24 and in a manner promulgated by the department. An application
25 must include, at minimum, the following:

26 (1) date of application;

27 (2) name and location of each participating business;

28 (3) a declaration of interest signed by a designated
29 representative of each participating business;

30 (4) the relevant contact information of each designated

1 representative;

2 (5) the total number of full-time and part-time
3 employees of each participating business and the expected
4 number of employee program participants;

5 (6) if applicable, the name of a labor organization that
6 represents the employees of each participating business;

7 (7) the chronic or immediate personnel needs and
8 training shortfalls commonly endured by a participating
9 business;

10 (8) a basic description of proposed training curriculum
11 designed to relieve or eliminate the needs and shortfalls
12 described under paragraph (7);

13 (9) a projection of resources needed to effectively
14 implement training programs developed under section 5; and

15 (10) a mutually agreeable date of commencement for the
16 proposed training program.

17 (f) Approval process.--The department shall approve an
18 application for the formation of a Cooperative Workforce
19 Investment Partnership if each business satisfies the basic
20 standards for program participation in subsection (d) and
21 satisfactorily demonstrates its ability and intention to work
22 with the local workforce investment board to develop and
23 implement a comprehensive employee training program. The
24 department may remove a single business participant from the
25 Cooperative Workforce Investment Partnership if the business
26 does not meet the basic standards for program participation in
27 subsection (d) or fails to satisfactorily demonstrate its
28 ability and intention to work with the local workforce
29 investment board to develop and implement a comprehensive
30 employee training program.

1 (g) Disbandment or removal.--The local workforce investment
2 board may, with approval from the department, disband a
3 Cooperative Workforce Investment Partnership or remove a single
4 participating business for failure to comply with program
5 requirements.

6 (h) Replacement.--Consistent with the application and
7 approval requirements of this section, a new Cooperative
8 Workforce Investment Partnership may be instituted to replace a
9 partnership that has been disbanded under subsection (g).

10 (i) Business participant penalty period.--A participating
11 business that has been removed from the Cooperative Workforce
12 Investment Partnership may reapply in a manner consistent with
13 the application and approval requirements of this section after
14 serving a six-month penalty period.

15 (j) Authority of department.--The department may institute
16 and establish additional guidelines and procedures as are
17 necessary to implement the requirements of this section.
18 Section 5. Employee training programs.

19 (a) Preliminary meeting.---Upon the formation of a
20 Cooperative Workforce Investment Partnership, the local
21 workforce investment board shall meet with a designated
22 representative of each participating business to define and
23 establish:

24 (1) the broad needs and critical challenges facing the
25 business participants, including global, national, regional,
26 State and local industry trends;

27 (2) infrastructure, technology and skill needs of the
28 participating businesses and their employees;

29 (3) immediately available resources and services;

30 (4) information and resources needed to address gaps in

1 the business's understanding of the business's industry;

2 (5) current barriers to economic success, regional
3 competitiveness, innovation, long-term financial health and
4 industrial viability;

5 (6) short-term and long-term personnel needs and current
6 skill gaps amongst incumbent workers;

7 (7) inefficiencies and inadequacies of current employee
8 training programs, if applicable; and

9 (8) other logistical or infrastructural barriers to
10 meeting business goals and objectives.

11 (b) Action plan.--In consultation and with final approval
12 from the local workforce investment board, designated
13 representatives of each participating business shall establish
14 an action plan for the implementation of an employee training
15 program. At minimum, the action plan shall include:

16 (1) the name of each employee participating in the
17 employee training program;

18 (2) employee training program instructors and minimum
19 certification;

20 (3) the curriculum of the employee training program;

21 (4) the venue of the employee training program;

22 (5) frequency and duration of the employee training
23 program; and

24 (6) any and all resources needed to adequately implement
25 the employee training program.

26 (c) Implementation.--No employee training program may
27 commence before an action plan has been submitted to and
28 approved by the local workforce investment board. Upon approval
29 of the action plan by the local workforce investment board, the
30 Cooperative Workforce Investment Partnership may implement its

1 employee training program.

2 (d) Utilization of preexisting infrastructure.--An employee
3 training program proposed under subsection (b) and approved
4 under subsection (c) must emphasize the utilization of
5 preexisting infrastructure for the purpose of training program
6 implementation.

7 (e) Skill-specific focus.--Curricula proposed under
8 subsection (b) and approved under subsection (c) must be focused
9 on providing employees with skill-specific occupational
10 training.

11 Section 6. Pennsylvania Workforce Investment Strategy Tax
12 Credit.

13 (a) Tax credit certificate.--The following apply:

14 (1) A taxpayer shall complete and submit to the
15 Department of Community and Economic Development a
16 Pennsylvania Workforce Investment Strategy Tax Credit
17 application on the form required by the Department of
18 Community and Economic Development. The application must
19 include the following:

- 20 (i) name and address of the taxpayer;
- 21 (ii) proof of participation in the program;
- 22 (iii) documentation supporting the qualifying
23 workforce expenditures; and
- 24 (iv) any other information as requested by the
25 Department of Community and Economic Development.

26 (2) The Department of Community and Economic
27 Development, in conjunction with the department and the
28 Department of Revenue, shall review the applications on a
29 first-come, first-served basis.

30 (3) If the Department of Community and Economic

1 Development approves the taxpayer's application, the
2 Department of Community and Economic Development shall issue
3 a tax credit certificate equal to 60% of the total qualifying
4 workforce expenditures.

5 (4) In granting tax credit certificates under this act,
6 the Department of Community and Economic Development:

7 (i) may not grant more than \$3 million in tax credit
8 certificates in fiscal year 2014-2015;

9 (ii) may not grant more than \$7 million in tax
10 credit certificates in fiscal year 2015-2016;

11 (iii) may not grant more than \$10 million in tax
12 credit certificates in fiscal year 2016-2017; and

13 (iv) may not grant more than \$75,000 in tax credit
14 certificates to a single taxpayer in any fiscal year.

15 (b) Claiming tax credit.--Upon presenting a tax credit
16 certificate to the Department of Revenue, the taxpayer may claim
17 a tax credit against the qualified tax liability.

18 Section 7. Carryover, carryback, refund and assignment.

19 (a) General rule.--If a qualified taxpayer cannot use the
20 entire amount of the tax credit for the taxable year in which
21 the tax credit is first approved, the excess may be carried over
22 to succeeding taxable years and used as a credit against the
23 qualified tax liability of the qualified taxpayer for those
24 taxable years. When the tax credit is carried over to a
25 succeeding taxable year, it shall be reduced by the amount that
26 was used as a credit during the immediately preceding taxable
27 year. The tax credit provided by this act may be carried over
28 and applied to succeeding taxable years for not more than seven
29 taxable years following the first taxable year for which the
30 qualified taxpayer was entitled to claim the credit.

1 (b) Application.--A tax credit certificate received by the
2 department in a taxable year first shall be applied against the
3 qualified taxpayer's qualified tax liability for the current
4 taxable year as of the date on which the credit was issued
5 before the tax credit can be applied against any qualified tax
6 liability under subsection (a).

7 (c) No carryback or refund.--A qualified taxpayer may not
8 carry back or obtain a refund of all or any portion of an unused
9 tax credit granted to the qualified taxpayer under this act.

10 (d) Sale or assignment.--The following shall apply:

11 (1) A qualified taxpayer, upon application to and
12 approval by the Department of Community and Economic
13 Development, may sell or assign, in whole or in part, a tax
14 credit granted to the qualified taxpayer under this act.

15 (2) Before an application is approved, the department
16 must find that the applicant filed the required State tax
17 reports and returns for all applicable taxable years and paid
18 any balance of State tax due as determined at settlement,
19 assessment or determination by the department.

20 (e) Purchasers and assignees.--The purchaser or assignee of
21 all or a portion of a tax credit obtained under section 6 shall
22 immediately claim the credit in the taxable year in which the
23 purchase or assignment is made. The purchaser or assignee may
24 not carry forward, carry back or obtain a refund of or sell or
25 assign the tax credit. The purchaser or assignee shall notify
26 the department of the seller or assignor of the tax credit in
27 compliance with procedures specified by the department.

28 Section 8. Pass-through entity.

29 (a) General rule.--If a pass-through entity has any unused
30 tax credit under section 6, it may elect in writing, according

1 to procedures established by the department, to transfer all or
2 a portion of the credit to shareholders, members or partners in
3 proportion to the share of the entity's distributive income to
4 which the shareholder, member or partner is entitled.

5 (b) Limitation.--A pass-through entity and a shareholder,
6 member or partner of a pass-through entity may not claim the
7 credit under subsection (a) for the same qualified expenditure.

8 (c) Application.--A shareholder, member or partner of a
9 pass-through entity to whom a credit is transferred under
10 subsection (a) shall immediately claim the credit in the taxable
11 year in which the transfer is made. The shareholder, member or
12 partner may not carry forward, carry back, obtain a refund of or
13 sell or assign the credit.

14 Section 9. Administration.

15 The Department of Community and Economic Development, the
16 Department of Revenue and the department shall jointly develop
17 written guidelines for the implementation of the tax credit
18 provisions of this act.

19 Section 10. Limitation.

20 A taxpayer may not apply for or utilize tax credits after
21 June 30, 2018.

22 Section 11. Interim and annual reports.

23 (a) Interim reports.--A local workforce investment board
24 that has participated in the program shall, in a manner
25 promulgated by the department, submit a biannual report to the
26 department in accordance with subsection (c).

27 (b) Annual report.--On an annual basis, the department shall
28 compile the interim reports collected under subsection (a) and
29 submit a final report in accordance with subsection (c) to:

30 (1) the Governor;

- 1 (2) the Auditor General;
- 2 (3) the chairman and minority chairman of the
- 3 Appropriations Committee of the Senate;
- 4 (4) the chairman and minority chairman of the Labor and
- 5 Industry Committee of the Senate;
- 6 (5) the chairman and minority chairman of the
- 7 Appropriations Committee of the House of Representatives; and
- 8 (6) the chairman and minority chairman of the Labor and
- 9 Industry Committee of the House of Representatives.

10 (c) Report contents.--In addition to information or analysis
11 deemed necessary by the department, the interim and final
12 reports must include, at minimum, the number of Cooperative
13 Workforce Investment Partnerships formed, employee training
14 programs implemented, program participation, notable progress
15 and outcomes for program participants and financial costs
16 endured.

17 Section 12. Effective date.

18 This act shall take effect immediately.