

No. 2003-34

AN ACT

HB 538

Amending the act of June 29, 1996 (P.L.434, No.67), entitled, as amended, "An act to enhance job creation and economic development by providing for an annual financing strategy, for opportunity grants, for job creation tax credits, for small business assistance, for the Small Business Advocacy Council, for a family savings program, for industrial development assistance, for community development bank grants and loans and for tax-exempt bond allocation; conferring powers and duties on various administrative agencies and authorities; further providing for various funds; and making repeals," establishing the Technology Work Experience Internship Program.

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

Section 1. The act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, is amended by adding a chapter to read:

CHAPTER 31**TECHNOLOGY WORK EXPERIENCE INTERNSHIP PROGRAM****Section 3101. Definitions.**

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

"Agency." *The Pennsylvania Higher Education Assistance Agency.*

"Approved course of study." *A program or curriculum offered by a postsecondary educational institution that provides instruction in science, technology and related fields and that has been approved by the Department of Education in consultation with the Pennsylvania Workforce Investment Board, as required under section 3 of the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act.*

"Approved educational institution." *A postsecondary educational institution located in this Commonwealth that is authorized to provide approved courses of study and grant degrees and that has been approved by the Pennsylvania Higher Education Assistance Agency as an institution in which students may enroll to participate in the New Economy Technology Scholarship Program.*

"Department." *The Department of Education of the Commonwealth.*

"Emerging technology company." *A company located in this Commonwealth that is involved in scientific research and product development, technology or a related field which is either less than six years from incorporation or employs fewer than 500 full-time employees.*

“Pennsylvania Workforce Investment Board.” A public and private partnership that provides strategic planning, program coordination and evaluation of Pennsylvania’s work force training efforts.

“Program.” The Technology Work Experience Internship Program established under this chapter.

“Student.” An individual domiciled in this Commonwealth who attends an approved educational institution and who is enrolled in an approved course of study.

“Work experience internship.” An internship or work experience in a science, technology or related field with an emerging technology employer located within this Commonwealth for which the student receives compensation and which is approved by a postsecondary institution listed as an approved educational institution by the Pennsylvania Higher Education Assistance Agency.

Section 3102. Technology Work Experience Internship Program.

(a) **Establishment of program.**—The Technology Work Experience Internship Program is hereby established within the agency. This program shall be separate from, but may be operated in conjunction with, the Federal and State work-study programs.

(b) **Matching funds.**—The agency shall provide matching funds to approved educational institutions to support internships for students with emerging technology companies, to the extent that an appropriation is enacted. The agency shall review and approve applications from colleges and universities for participation in the program and shall require that approved educational institutions provide at least one-half of the moneys necessary for the internships. Not more than 50% of the cost of each internship shall be paid for by the agency.

(c) **Approved courses.**—The list of approved courses of study for the program shall be the same as is currently required under section 4(c) of the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act.

(d) **Emerging technology companies.**—The department, in cooperation with the Department of Community and Economic Development and the Pennsylvania Workforce Investment Board, shall establish and maintain a list of emerging technology companies for the program.

(e) **Standards.**—Approved educational institutions shall adopt standards for approving technology work experience internship programs, which standards shall include at a minimum that:

- (1) The employer must be a Pennsylvania high-tech business.
- (2) The internship must provide career-related work experience and use the student’s classroom knowledge.
- (3) The position must not displace any employee, including any employee who is laid off or on strike.

(4) The student must be compensated at a rate at least equal to the State minimum wage.

Section 3103. Powers and duties of agency.

The agency shall have the power and its duties shall be:

(1) To execute a participation agreement with each approved educational institution participating in the program.

(2) To establish such procedural, accounting and auditing requirements as may be necessary.

(3) To review and audit all relevant records of the participating institution and the participating employer to ensure compliance with the provisions of this chapter.

(4) To adopt such rules, regulations, forms and procedures as may be necessary to implement this chapter.

Section 3104. Responsibility of approved educational institution.

Educational institutions participating in this program shall:

(1) Submit an application to the agency for approval to participate in the program. The application shall identify the high-tech employers or potential employers who will sponsor an internship, the wages that interns shall be paid, a description of the general nature of the work to be performed and the screening process to be employed to identify those students who will participate in the internship program.

(2) Enter into a participation agreement with the agency.

(3) Ensure that each participating high-tech business understands the requirements of the program and provides each hired intern career-related work experience that builds on that student's classroom knowledge.

(4) Either through employer funds or institutional funds, provide the funds required to match the State contribution.

(5) Implement a process to screen and approve students for participation in the program.

(6) Open relevant records and materials to the agency for review.

(7) Have a process to monitor and evaluate each internship experience.

(8) Adhere to any requirements or conditions that the agency or the department, in consultation with the Pennsylvania Workforce Investment Board and the Department of Community and Economic Development, may adopt.

Section 3105. Emerging technology company employer responsibility.

Each emerging technology company employer participating in the program shall:

(1) Agree to provide each intern with career-related work experience that will build on that student's classroom knowledge.

(2) Agree not to use the intern to replace any employee, including employees who may be laid off or on strike.

(3) Have the right to approve the selection of any student placed in an internship with that company.

(4) Add each employee to the business payroll and return all reconciliation materials by the dates required by the agency to receive reimbursement for that State share of the approved earnings.

(5) Adhere to any requirements, including such accounting and auditing standards as the agency or the department, in consultation with the Pennsylvania Workforce Investment Board and the Department of Community and Economic Development, may adopt.

Section 3106. Interns.

(a) Eligibility.—Undergraduate students enrolled in an approved course of instruction at an approved educational institution shall be eligible to participate in the program. Priority for participation shall be based on financial need as determined by the educational institution and the agency, but participation shall not be limited to those students who qualify for financial aid.

(b) Terms and conditions.—Each intern shall comply with any conditions placed upon the internship by the agency, department or approved educational institution. Each intern shall comply with any applicable requirements established by the employer. Interns may work no more than 20 hours a week while they are enrolled on a full-time basis and may work not more than 40 hours a week during any break.

(c) Student aid.—Participation as an intern in the program may qualify as a work-study appointment and may qualify as student aid, subject to Federal and State requirements for such appointments. However, the maximum compensation an intern may receive through this program shall be subject to the limits imposed in this chapter.

(d) Satisfaction of New Economy Technology Scholarship Program requirements.—Participation as an intern in the program may qualify as satisfactory evidence of completion of the internship requirements as provided by section 5(c) of the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act, subject to the requirements of that act.

Section 3107. Compensation.

The compensation shall be determined by the approved educational institution in cooperation with the emerging technology company. Compensation shall be subject to any terms or conditions established by the agency. Interns shall be paid on an hourly basis and shall receive at least the minimum wage established under Pennsylvania law. In no event shall the total compensation that any student receives exceed \$7,000 in any 12-month period.

Section 3108. Annual report.

The agency shall include the total number of students participating in this program and any data relevant thereto within its annual report as

currently required by section 9 of the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act.

Section 2. All references to the Pennsylvania Human Resources Investment Council in the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act, shall be deemed to be references to the Pennsylvania Workforce Investment Board.

Section 3. This act shall take effect July 1, 2003.

APPROVED—The 6th day of November, A.D. 2003.

EDWARD G. RENDELL