

No. 1984-112

AN ACT

HB 2293

Establishing the Pennsylvania Conservation Corps; and making an appropriation.

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

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Conservation Corps Act.

Section 2. Definitions.

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

“Corps.” The Pennsylvania Conservation Corps.

“Corpsmember.” A participant in the corps pursuant to criteria set forth in section 6.

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

“Department.” The Department of Environmental Resources.

“Local agency.” Any political subdivision located within this Commonwealth.

“Secretary.” The Secretary of the Department of Environmental Resources.

“State agencies.” The Fish Commission, Game Commission, Historical and Museum Commission, Department of Environmental Resources, Department of Military Affairs and, in the case of job search skills and job application skills, the Department of Labor and Industry.

Section 3. Pennsylvania Conservation Corps created.

There is hereby created within the Department of Environmental Resources the Pennsylvania Conservation Corps.

Section 4. Duties of the secretary.

The secretary shall:

(1) Employ eligible participants pursuant to section 6 in work experience projects.

(2) Employ crewleaders pursuant to section 8.

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

(4) Develop or review proposed work experience projects submitted to the department by State and local agencies and approve projects that meet the requirements of this act. State agencies eligible to submit work experience projects shall be limited to the Fish Commission, Game Commission,

Historical and Museum Commission, Department of Environmental Resources and Department of Military Affairs. The secretary shall insure that work experience projects involve labor intensive improvement activities on public lands or facilities that will result in a future public value and have a potential for future revenue yield. Projects approved by the secretary shall include projects authorized and funded under the act of July 2, 1984 (P.L.527, No.106), known as the Recreational Improvement and Rehabilitation Act.

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

(6) Execute employment contracts with State and local agencies containing any terms and conditions deemed necessary and desirable for the employment of corpsmembers in approved work experience projects; and in the case of job search skills and job application skills, execute contracts or cooperative agreements with Federal, State or local agencies, persons, firms, partnerships, associations or corporations for the provisions of these services.

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

(8) Apply for and accept grants or contributions of funds from any public or private source, including the acceptance of Federal funds appropriated by the General Assembly.

(9) Purchase, rent or otherwise acquire or obtain personal property, supplies, instruments, tools, equipment or conveniences necessary to complete work experience projects.

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

Section 5. Work experience projects.

(a) Purpose.—The secretary shall ensure that each work experience project established pursuant to the authority granted in section 4 shall provide corpsmembers with job training skills, which may include job search skills and job application skills, and with work experience related to the conservation, improvement or development of natural resources or the enhancement, preservation and maintenance of public lands, water or facilities. Job training may be provided directly by the agency administering the work experience project or by other agencies as provided in subsection (d).

(b) Project criteria.—Work experience projects shall be undertaken in urban, suburban and rural areas and shall be selected on the basis of the environmental and natural resource benefits each offers, the opportunities for public use each offers, the on-the-job training value of each, the future public value of the completed project and the estimated additional revenue to be generated for the Commonwealth or its subdivisions from the completion of each project.

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

(d) Coordinated services.—Whenever available and appropriate, job training and placement services provided through other Federal, State and local funded programs such as the Job Training Partnership Act Program, the Community Services Block Grant and the Office of Employment Security shall be coordinated with projects developed under this act to assist eligible participants. Coordinated services may include, but are not limited to, job placement assistance, adult literacy training, job search skills and job application skills. Whenever possible, eligible participants without a high school diploma shall receive coordinated services that provide an opportunity to obtain an equivalent high school diploma.

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

(f) Projects not permitted.—Work experience shall not include work on any project for the removal or cleaning up of any toxic waste or other hazardous substance.

#### Section 6. Eligibility for program.

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

- (1) Between the ages of 18 and 21.
- (2) Economically disadvantaged.
- (3) Domiciled in the Commonwealth for at least six months prior to participating in the program.
- (4) Registered with the Office of Employment Security for employment.
- (5) Physically and mentally capable of performing labor intensive work.
- (6) Not attending high school or postsecondary institution full time and who provide assurance that they did not leave school for the purpose of participating in the program. Full-time high school and postsecondary students may participate in this program during authorized school vacations.

(b) Referrals.—Eligibility for corpsmembers shall be determined by the Office of Employment Security which shall refer eligible participants to the department. If the number of corps jobs is insufficient to employ all eligible individuals who apply for participation in the program, the Office of Employment Security may provide the names of these eligible individuals to private sector employers or to job training programs requesting referrals, so long as the individuals referred agree to the referral being provided.

### Section 7. Compensation.

(a) Six-month term.—Corpsmembers shall be employed for a period not to exceed six months. The department shall refer the names of corpsmembers who successfully complete their employment in the corps to the Office of Employment Security for assistance in securing private sector employment or for enrollment in additional job training programs. The department may also provide the names of participants who successfully complete their employment in the corps to private sector employers requesting referrals, with the approval of the participant.

(b) Minimum wage.—Corpsmembers shall receive an hourly wage no less than the State minimum wage as provided for by the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

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

(d) Work hours.—Corpsmembers shall be scheduled to work the standard work hours of the department or of the State or local agency sponsoring the work experience project. In no instance shall corpsmembers be scheduled to work more than 40 hours per week. Corpsmembers may request and shall be excused for a maximum of ten hours per week from scheduled work hours to participate in job training and placement services which the department determines are in accordance with the provisions of this act. Corpsmembers shall be compensated as set forth in subsection (b) for participating in job training and placement services which the department determines are in accordance with the provisions of this act.

### Section 8. Supervisors.

(a) Personnel.—Whenever possible, the department and other State and local agencies shall use existing employees to supervise the participants working on projects. No funds available for this program shall be expended for the salaries, wages or benefits paid to these existing employees.

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

(c) Crewleader criteria.—Persons eligible to be hired as crewleaders by the department shall be men and women who are:

- (1) Domiciled in the Commonwealth for at least six months prior to employment in the programs.
- (2) Registered with the Office of Employment Security for employment.
- (3) Physically and mentally capable of performing labor intensive work and supervisory duties.

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

(d) Six-month term.—Crewleaders may be employed by the department for a period that may exceed the six-month limit established for corpsmembers.

(e) Hourly wage.—Crewleaders shall receive an hourly wage that does not exceed the hourly wage of corpsmembers by more than \$2.00.

(f) Benefits.—Crewleaders shall not be entitled to any employee benefits provided to existing employees of the department or of other State or local agencies except for workmen's compensation coverage which shall be provided through the funds appropriated to carry out this act, nor shall service as a crewleader qualify an individual for benefits under the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law.

(g) Veterans' preference.—In the hiring of crewleaders, preference shall be given to honorably discharged veterans of the armed forces of the United States.

#### Section 9. Prohibited activities.

The secretary, in developing and approving projects, shall assure that:

(1) In employment practices, no individual will be discriminated against because of the individual's race, color, religious creed, ancestry, sex, national origin or non-job-related handicap or disability.

(2) No person shall make any payment to any other person as compensation for referring an individual as a potential corpsmember.

(3) Work available to participants will not be available due to a labor dispute, strike or lockout and shall not be assigned so as to cause a layoff or downgrading or to prevent the return to work of an available competent employee.

(4) It shall be unlawful for anyone to demand from any public officer, a corpsmember or crewleader any assessment or percentage of any money or profit, or its equivalent in support, service or any other thing of value, with the understanding, express or implied, that the same may be used or shall be used for political purposes. Nothing contained in this act shall be construed to prohibit voluntary contributions to any political committee or organization for legitimate political and campaign purposes to the extent such contributions are not prohibited by law.

#### Section 10. Annual report.

On March 1, 1985, and each year thereafter during the program's existence, the secretary shall report to the Chief Clerk of the House of Representatives and the Secretary of the Senate on the cumulative impact of the program. The report shall include, but not be limited to:

- (1) Productivity measures by the type of project funded.
- (2) The number of corpsmembers employed.
- (3) The average length of employment.
- (4) The extent of job training provided to participants.

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

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

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

(8) Percentage increase in estimated value of sites constructed or rehabilitated by corpsmembers.

(9) Estimated amount of dollar benefits in excess of dollar costs resulting from the program.

All recipients of funds for approved projects shall provide the information requested by the department for the purposes of this report.

#### Section 11. Guidelines and regulations.

(a) One-year exemption from review.—In order to facilitate the speedy implementation of this program, the department shall have the power and authority to promulgate, adopt and use guidelines which shall be published in the Pennsylvania Bulletin. The guidelines shall not be subject to review pursuant to section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and, except as provided in subsection (c), shall be effective for a period not to exceed one year from the effective date of this act.

(b) Expiration of exemption.—Except as provided in subsection (c), after the expiration of the one-year period, all guidelines shall expire and shall be replaced by regulations which shall have been promulgated, adopted and published as provided by law.

(c) Exception.—The General Assembly may provide for an extension of the guidelines adopted pursuant to subsection (a), if the Leadership Committee established pursuant to sections 3 and 4 of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act, extends the guidelines adopted pursuant to subsection (a).

#### Section 12. Appropriation.

For State fiscal year 1984-1985, the sum of \$7,500,000 is hereby appropriated to the Department of Environmental Resources from the Pennsylvania Economic Revitalization Fund. No more than 25% of the funds available annually for this program may be expended on work experience projects which are submitted by local agencies and approved by the secretary. No more than 3% of the funds available for this program may be expended on program administration.

#### Section 13. Expiration.

This act and the Pennsylvania Conservation Corps program shall expire June 30, 1986.

Section 14. Effective date.

This act shall take effect immediately.

APPROVED—The 2nd day of July, A. D. 1984.

DICK THORNBURGH