

No. 1993-49

AN ACT

HB 41

Amending the act of July 2, 1984 (P.L.561, No.112), entitled "An act establishing the Pennsylvania Conservation Corps; and making an appropriation," further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors, for appropriations and for expiration of the Pennsylvania Conservation Corps and the act; making a repeal; and making editorial changes.

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

Section 1. Section 2 of the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, amended July 1, 1989 (P.L.119, No.25), is amended to read:

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:

"Community-based agency." *A private, nonprofit organization that is representative of a community or a significant segment of a community that is engaged in meeting human, educational or environmental community needs.*

"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.] *Labor and Industry.*

"Human service projects." *Projects which involve conservation work and the direct delivery of services which promote the well-being of children, the elderly, persons with physical and developmental disabilities or persons with low incomes.*

"Local agency." Any [municipality] *political subdivision* located within this Commonwealth.

"Secretary." The Secretary of [the Department of Environmental Resources.] *Labor and Industry.*

"Signature projects." *Special-event, large-scale, short-term, highly visible projects which combine the efforts of more than one crew and promote the public good in ways consistent with this act.*

"State agencies." The Fish Commission, Game Commission, Historical and Museum Commission, Department of Environmental Resources [and, in

the case of job search skills, job application skills and ability assessments, the], *Department of Public Welfare, Department of Corrections, Department of Education, Department of Aging, Department of Military Affairs, Pennsylvania Emergency Management Agency, Department of Community Affairs and Department of Labor and Industry.*

Section 2. Section 3 of the act is amended to read:

Section 3. Pennsylvania Conservation Corps created.

There is hereby created within the Department of [Environmental Resources] *Labor and Industry* the Pennsylvania Conservation Corps.

Section 3. Sections 4 and 5 of the act, amended July 1, 1989 (P.L.119, No.25), are amended to read:

Section 4. Duties of the secretary.

The secretary shall:

(1) [Employ] *Enroll* 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 [and], Department of Environmental Resources[.], *Department of Labor and Industry, Department of Public Welfare, Department of Corrections, Department of Military Affairs, Department of Aging, Department of Education, Department of Community Affairs and Pennsylvania Emergency Management Agency.* 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] *or* have a potential for future revenue yield.

(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] *enrollment* of corpmembers in approved work experience projects; and in the case of job search skills, job application skills and ability assessments, 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 within or outside this Commonwealth 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. *Such funds shall include Federal funds which may be provided under the National and Community Service Act of 1990 (Public Law 101-610, 104 Stat. 3127).*

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

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

(11) Authorize the exchange of corpsmembers and crewleaders with other established conservation corps/service programs in order to foster a spirit of understanding and to advance the goals of volunteerism and service. Participation in exchange projects shall be voluntary.

(12) Execute contracts for [employment] *enrollment* of corpsmembers in cities of the first class for projects designed to repel or remove graffiti or other institutional vandalism. The secretary may contract directly with not-for-profit agencies and organizations which shall be eligible for funding provided pursuant to section 12.1.

Section 5. Work experience projects.

(a) Purpose.—

(1) The secretary shall ensure that each work experience project established pursuant to the authority granted in section 4 shall provide corpsmembers with educational opportunities and job training skills, which may include general educational development, literacy training, adult basic education, 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.

(2) *Projects developed may include fee-for-service projects with other State and local agencies and community-based nonprofit agencies which are qualified under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)). Fees for service will be retained by the department for use in the corps program. Fee-for-service projects may not be entered into with for-profit agencies nor may any fee-for-service project displace any other workers.*

(3) *The secretary may also develop State and local human service projects which combine both conservation work and human services, especially those projects and activities which promote the social well-being or economic self-sufficiency of the elderly, persons with physical or developmental disabilities, children or other persons with low incomes. The secretary shall give preference to those human service*

projects that involve intergenerational activities between corpsmembers and older persons in projects that are in other ways consistent with this act.

(4) The secretary is also authorized to develop and carry out signature projects involving more than one crew and designed to have a high impact. These projects shall be short-term and may involve working with community-based, nonprofit organizations which are qualified under section 501(c)(3) of the Internal Revenue Code of 1986.

(5) 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 educational opportunities and 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[.] *and the savings in other public expenditures that are provided by virtue of the 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, adult education, 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] *Job Centers* 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, job application skills and ability assessments. Whenever possible, eligible participants without a high school diploma shall receive coordinated services that provide an opportunity to obtain an equivalent high school diploma. Within [two] *four* weeks of enrollment in the corps, each corpsmember shall be referred to the Office of Employment Security for ability assessments, the results of which shall be provided to the department.

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

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] 16** and 25.

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

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

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

(5) **[Not attending high school or postsecondary institution full time and who] Able to** 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] Job Centers** which shall refer eligible participants to the department. For referral purposes, the **[Office of Employment Security] Job Centers** shall develop standards for classifying applicants into various levels of eligibility, based on the degree to which an applicant is economically disadvantaged, in accordance with applicant local labor supply. *Job Centers shall seek referrals from schools, local agencies, community-based agencies and other youth and human service organizations for purposes of enrolling applicants in corps programs.* The **[Office of Employment Security] Job Centers** shall refer applicants by order of classification, giving first priority to applicants between the ages of **[18] 16** and 21 whose eligibility is based on financial status as required by joint or separate employment programs of the Federal and State governments. 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] Job Centers** 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.

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

(d) Minors.—*Persons 16 and 17 years of age must present an employment certificate issued under section 1391 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, on the*

same basis as would be required if they were employed by a firm, association or corporation.

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

Section 7. Compensation.

(a) Term of [employment] *enrollment*.—Corpsmembers shall be [employed] *enrolled* for a period of six months. At the option of the department, corpsmembers who have successfully completed their six-month [enrollment] *term* may be [employed] *enrolled* for a second six-month term. The department shall refer the names of corpsmembers who successfully complete their [employment] *service* in the corps to the [Office of Employment Security] *Job Centers* 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] *service* 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. [Corpsmen] *Corpsmembers* serving a second six-month term shall receive additional hourly compensation of at least [5%] *10%*.

(c) Benefits.—Corpsmembers shall not be entitled to any employee benefits provided to existing employees of the department or other agencies except for *paid Commonwealth holidays and 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. *Corpsmembers who complete six months in the corps will be entitled to a \$500 bonus. Corpsmembers who complete 12 months in the program will be entitled to an additional \$500 bonus at the end of their second six months in the program.*

(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 as necessary for a maximum of 260 hours per six-month term of enrollment from scheduled work hours to participate in adult education, job training and placement services which the department determines to be appropriate and 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 6. Section 8 of the act, amended July 2, 1986 (P.L.341, No.78) and July 1, 1989 (P.L.119, No.25), is amended to read:

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] (a) *Funding.*—Funds available for this program may be expended to pay the wages of crewleaders who shall supervise corpsmembers as prescribed by the department.

[(c)] (b) 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] *local Job Center* 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)] (c) Six-month term.—Crewleaders may be employed by the department for a period that may exceed the six-month limit established for corpsmembers.

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

[(f)] (e) 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 *paid Commonwealth holidays and* workmen's compensation coverage which shall be provided through the funds appropriated to carry out this act.

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

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

Section 10. Annual report.

On October 1, 1990, 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 preceding fiscal year's impact of the program. All recipients of funds for approved projects shall provide the information requested by the department for the purposes of this report. The report shall include, but not be limited to:

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

- (2) The number of corpsmembers **[employed]** *enrolled*.
- (3) The average length of **[employment]** *enrollment*.
- (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) Estimated amount of dollar benefits in excess of dollar costs resulting from the program.
- (9) The amount of appropriated funds expended on program administration.

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

Section 12. Appropriation.

(a) Appropriation.—**[The sum of \$20,720,000 is hereby appropriated to the Department of Environmental Resources from the Pennsylvania Economic Revitalization Fund for the fiscal period July 1, 1986, to June 30, 1988. All funds from this appropriation shall be expended by the Department of Environmental Resources by June 30, 1988.]** No more than **[25%]** *50%* of **[the]** *any* 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.

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

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

Section 12.1. Funding.

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

- (1) Corpsmember and crewleader wages and authorized benefits.
- (2) Site development and materials.
- (3) Funds available to local agencies shall be used to pay no more than 75% of the cost of site development and materials and up to 100% of the cost for corpsmember and crewleader wages for projects which meet the requirements of this act.
- (4) Program administration.
- (5) *Corpsmember development and training activities and supplies.*

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

Section 13.1. Expiration.

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

1997.

Section 11. Section 2216 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

Section 12. This act shall take effect immediately.

APPROVED—The 2nd day of July, A.D. 1993.

MARK S. SINGEL
ACTING GOVERNOR