

No. 1989-25

AN ACT

HB 22

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 educational opportunities, ability assessments, and terms of employment for corpsmembers; for the wages of corpsmembers and crewleaders; for corpsmember exchanges, annual reports, coordination with Job Training Partnership Act, and local conservation corps incubators; for program funding; and for the expiration of the act.

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

Section 1. The definitions of "local agency" and "State agencies" in section 2 of the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, are 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:

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

* * *

"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 *and ability assessments*, the Department of Labor and Industry.

Section 2. Section 4(4), (6) and (7) of the act are amended and the section is amended by adding paragraphs to read:

Section 4. Duties of the secretary.

The secretary shall:

* * *

(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 [**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.]

* * *

(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[,] **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.

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(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 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 3. Section 5(a), (b) and (d) of the act are amended to read:
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 *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. 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.

* * *

(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 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 *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 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.*

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Section 4. Section 6(a) of the act, amended July 2, 1986 (P.L.341, No.78), is amended and the section is amended by adding a subsection 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 and 25.

[(2) Economically disadvantaged.]

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

[(4)] (3) Registered with the Office of Employment Security for employment.

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

[(6)] (5) 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 post-secondary students may participate in this program during authorized school vacations.

* * *

(c) Preference.—Preference in hiring shall be given to the economically disadvantaged.

Section 5. Sections 7 and 8(e) of the act, amended July 2, 1986 (P.L.341, No.78), are amended to read:

Section 7. Compensation.

(a) **[Six-month term] Term of employment.**—Corpsmembers shall be employed for a period **[not to exceed]** of six months. **[except in areas where the Office of Employment Security has determined that no other applicants are available for referral to fill corpsmember positions. If no applicants are available,]** *At the option of the department,* corpsmembers who have successfully completed their six-month enrollment may be **[eligible] employed** for a second six-month term. 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. *Corpsmen serving a second six-month term shall receive additional hourly compensation of at least 5%.*

(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 *as necessary* for a maximum of **[ten hours per week] 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 8. Supervisors.

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(e) Hourly wage.—Crewleaders shall receive an hourly wage that **[does not exceed] exceeds** the hourly wage of corpsmembers by **[more than \$4.00] a minimum of \$2.00.**

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Section 6. Section 10 of the act is amended to read:

Section 10. Annual report.

On **[March 1, 1985] 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 **[cumulative] 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.
- (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) (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.

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

Section 7. The act is amended by adding sections to read:

Section 10.1. Coordination with Job Training Partnership Act.

In order to permit joint projects with the summer youth employment and training program established pursuant to Title II B of the Job Training Partnership Act (Public Law 97-300, 96 Stat. 1322), the provisions of this act not consistent with the Job Training Partnership Act are hereby waived for such joint projects.

Section 10.2. Local Conservation Corps Incubator.

In order to provide opportunities for local agencies to create a locally operated and funded conservation corps, funds may be authorized to support the development of new local corps programs consistent with the provisions of this act. Pending the availability of funds, the department may enter into contingent commitments with municipal governments to provide funding on a reducing basis over a three-year period.

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.

Section 8. Section 13 of the act, amended July 9, 1987 (P.L.232, No.40), is amended to read:

Section 13. Expiration.

This act and the Pennsylvania Conservation Corps program shall expire June 30, **[1989] 1991.**

Section 9. This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1989.

ROBERT P. CASEY