
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 286 Session of
2015

INTRODUCED BY THOMAS, LONGIETTI, COHEN, KINSEY, V. BROWN,
BISHOP, SCHLOSSBERG, ROZZI AND BROWNLEE, FEBRUARY 2, 2015

REFERRED TO COMMITTEE ON COMMERCE, FEBRUARY 2, 2015

AN ACT

1 Amending the act of December 18, 2001 (P.L.949, No.114),
2 entitled, as amended, "An act establishing a unified
3 workforce investment system; restructuring certain
4 administrative functions, procedures and entities;
5 transferring workforce development functions of Commonwealth
6 agencies; establishing the Pennsylvania Workforce Investment
7 Board; providing for critical job training grants, for
8 guarantees for program quality and performance for workforce
9 development programs, for workforce leadership grants and for
10 industry partnerships; establishing the Keystone Works
11 Program; and authorizing local workforce investment boards,"
12 in Keystone Works Program, further providing for definitions,
13 for program, for administration, for workers' compensation,
14 for eligibility, for business incentives, for performance
15 evaluation system and for annual report.

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

18 Section 1. Section 1401 of the act of December 18, 2001
19 (P.L.949, No.114), known as the Workforce Development Act, is
20 amended by adding a definition to read:

21 Section 1401. Definitions.

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

1 * * *

2 "Graduate." A Pennsylvania resident who has graduated from
3 high school, obtained a general education development (GED) or
4 obtained an undergraduate degree from an accredited institution
5 of higher learning within the last four years.

6 * * *

7 Section 2. Section 1402(c) and (d) of the act, added July 5,
8 2012 (P.L.970, No.107), are amended and the section is amended
9 by adding a subsection to read:

10 Section 1402. Program.

11 * * *

12 (b.1) Graduates.--A graduate may voluntarily enroll in the
13 program and shall be qualified for training if all of the
14 following apply:

15 (1) The department determines that the graduate's
16 educational background is an appropriate match with a job
17 opening at a participating business.

18 (2) The claimant certifies to the department, in
19 writing, subject to 18 Pa.C.S. § 4904 (relating to unsworn
20 falsification to authorities), that the claimant:

21 (i) will provide information and documentation to
22 the department as requested; and

23 (ii) will cooperate with requests from the
24 department for evaluation of aspects of the program.

25 (c) Businesses.--The following are required for a business
26 to be eligible to provide training under the program.

27 (1) The business must satisfy all of the following
28 criteria:

29 (i) The business has a job opening to which a
30 claimant or graduate may be matched by the department.

1 (ii) The business will register with the
2 Pennsylvania CareerLink system.

3 (iii) The business will provide bona fide training
4 to the claimant or graduate for the job opening.

5 (iv) Upon completion of the training period, the
6 business will consider the claimant or graduate for
7 employment in the job opening for which the claimant or
8 graduate was trained.

9 (v) If the business hires the claimant upon
10 completion of the training period, the claimant will
11 perform services in "employment" within the meaning of
12 the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897,
13 No.1), known as the Unemployment Compensation Law.

14 (vi) The claimant or graduate will not work in a
15 contract or self-employment capacity for the business.

16 (vii) The business and individuals or entities
17 associated with the business will not provide a
18 participating claimant with any form of compensation,
19 cash or otherwise, for participation in training under
20 the program.

21 (vii.1) The business and individuals or entities
22 associated with the business shall provide a
23 participating graduate with compensation equal to or
24 exceeding the minimum wage while participating in
25 training under the program.

26 (viii) The business will not provide training under
27 the program while a work stoppage attributable to a labor
28 dispute is in effect.

29 (ix) The business will not provide training while
30 concurrently participating in a shared-work program under

1 Article XIII of the Unemployment Compensation Law.

2 (x) Providing training under the program and hiring
3 the claimant or graduate upon completion of training
4 would not violate a collective bargaining agreement.

5 (xi) Providing training under the program and hiring
6 the claimant or graduate upon completion of training
7 would not displace or adversely impact existing
8 employees.

9 (xii) The business will cooperate with requests from
10 the department for information and documentation related
11 to the program.

12 (2) The business must satisfy any additional criteria
13 established by the department in administering the program.
14 This paragraph includes imposing conditions on participating
15 businesses to ensure that an appropriate number of claimants
16 or graduates participating in the program receive offers of
17 suitable long-term employment.

18 (3) The business must certify in a writing subject to 18
19 Pa.C.S. § 4904 that all requirements of this subsection are
20 or will be satisfied.

21 (4) The business must not be disqualified under
22 subsection (d) (2) (iii).

23 * * *

24 (d) Description.--

25 (1) The department shall match claimants or graduates
26 with businesses that have job openings and are willing to
27 provide training for the corresponding high-priority
28 occupations.

29 (1.1) When a graduate is matched with a business, the
30 business shall provide the claimant a maximum of 24 hours of

1 paid training per week, for a maximum of eight weeks.

2 (2) When a claimant is matched with a business, the
3 business shall provide the claimant a maximum of 24 hours of
4 unpaid training per week, for a maximum of eight weeks. At
5 the end of the training period, the following apply:

6 (i) The business shall consider the claimant or
7 graduate for employment in the job opening.

8 (ii) The business is not required to hire the
9 claimant or graduate.

10 (iii) The department shall disqualify from
11 participation in the program any employer showing a
12 pattern of acting in bad faith regarding job offers.

13 A claimant or graduate who is participating in training may
14 opt to discontinue participation in the program.

15 Section 3. Sections 1403, 1404(c), 1405, 1406(a), 1407 and
16 1407.1 of the act, added July 5, 2012 (P.L.970, No.107), are
17 amended to read:

18 Section 1403. Administration.

19 The department has the following powers and duties under the
20 program:

21 (1) Establish guidelines and applications it deems
22 necessary for the administration of the program.

23 (2) Provide notice to businesses and claimants or
24 graduates regarding eligibility for and participation in the
25 program.

26 (3) Develop policies and procedures to register eligible
27 businesses and eligible claimants or graduates for the
28 program.

29 (4) Develop policies and procedures to review
30 applications.

1 (5) Develop policies and procedures to match claimants
2 or graduates with businesses that have job openings for
3 training under the program.

4 (6) Develop policies and procedures to provide
5 participating claimants or graduates and businesses with
6 administrative remedies for department determinations.

7 Section 1404. Workers' compensation.

8 * * *

9 (c) Computation of claimant or graduate wage.--For the
10 purposes of computing an approved claimant's or graduate's wage
11 compensation and benefit amount under the Workers' Compensation
12 Act:

13 (1) the average weekly wage shall be the claimant's or
14 graduate's maximum weekly unemployment compensation benefit
15 rate for the benefit year in effect at the time of injury;
16 and

17 (2) the unemployment compensation benefit offset
18 permitted under section 204(a) of the Workers' Compensation
19 Act shall not apply.

20 Section 1405. Eligibility.

21 Notwithstanding any other law, a claimant's or graduate's
22 participation in the program, option to discontinue
23 participation in the program, termination from the program by a
24 participating business or completion of the program shall not
25 affect the eligibility of the claimant or graduate to receive
26 unemployment compensation if the claimant or graduate remains
27 eligible to receive those benefits under the act of December 5,
28 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
29 Unemployment Compensation Law.

30 Section 1406. Business incentives.

1 (a) Eligibility.--Subject to the availability of funding
2 under subsection (b), if, at the end of a training period, a
3 business hires a claimant or graduate for a job opening under
4 section 1402(d), the business is eligible to receive incentive
5 payments in the amount of \$375 for each period of four
6 consecutive workweeks the claimant or graduate remains employed
7 at a minimum of 35 hours per week, for up to four consecutive
8 periods of four consecutive workweeks and for a maximum of
9 \$1,500 total incentive payments.

10 * * *

11 Section 1407. Performance evaluation system.

12 The department shall develop and implement an evaluation and
13 performance improvement system which does the following:

14 (1) Collects critical information on an annual basis or
15 more frequently as determined by the department, including:

16 (i) Increases in claimant or graduate skills.

17 (ii) Skill training being provided by businesses.

18 (iii) Placement of claimants or graduates after
19 training.

20 (iv) Challenges foreseen by businesses.

21 (v) Business training best practices.

22 (vi) Amount of weeks claimants or graduates received
23 unemployment compensation benefits after completion of
24 the training period.

25 (2) Defines the benefits of the program and its training
26 to businesses, claimants, graduates and the Unemployment
27 Compensation Fund.

28 Section 1407.1. Annual report.

29 No later than July 1 of each year, the department shall
30 submit an annual report to the chairman and minority chairman of

1 the Labor and Industry Committee of the Senate and to the
2 chairman and minority chairman of the Labor and Industry
3 Committee of the House of Representatives providing all data
4 available on the operation of the program during the prior year.
5 The report shall include, but not be limited to, claimant,
6 graduate and business participation, administrative costs,
7 relevant data, facts and statistics and any other information
8 that the department believes necessary in the content of the
9 report that is available.

10 Section 4. This act shall take effect immediately.