

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER 1996-11]

Disability-Related Policy

December 20, 1996

Whereas, The Americans With Disabilities Act of 1990, P. L. 101-336 and The Rehabilitation Act of 1973, P. L. No. 93-112, are intended to empower people with disabilities to lead independent and productive lives and to participate fully in the activities of their communities; and

Whereas, Pennsylvania has a proud and distinguished history of protecting the rights of individuals with disabilities through such laws as The Pennsylvania Human Relations Act and The Universal Accessibility Act, as amended, December 20, 1988; and

Whereas, The Americans With Disabilities Act and The Rehabilitation Act complement those State laws and thereby further open the doors of opportunity for Pennsylvanians who seek to be considered on the basis of their abilities and not their disabilities; and

Whereas, The Americans With Disabilities Act requires State services, programs, and activities, when viewed in their entirety, to be accessible to individuals with disabilities; and

Whereas, Pennsylvania cannot be a Commonwealth to all of its people until all of its people enjoy the opportunity to participate fully in society; and

Whereas, this Administration has an abiding commitment to the equal rights of all Pennsylvania citizens.

Now, therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct as follows:

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter MM. COMMONWEALTH DISABILITY-RELATED POLICIES

Sec.

- 7.571. Individuals with disabilities.
- 7.572. Assessment of Commonwealth programs.
- 7.573. Direction for disability-related policy.
- 7.574. Coordination of meetings.
- 7.575. Rescission.
- 7.576. (Reserved).
- 7.577. (Reserved).

§ 7.571. Individuals with disabilities.

No Commonwealth agency, board or commission under the Governor's jurisdiction may discriminate against any individual with a disability because of his disability. Individuals with disabilities shall be treated with respect and dignity and shall be provided access to Commonwealth services, programs, activities and employment opportunities.

§ 7.572. Assessment of Commonwealth programs.

Commonwealth agencies, boards and commissions under the Governor's jurisdiction shall assess the programs they offer to the public to ensure that they are nondiscriminatory, accessible and address the particular challenges faced by persons with disabilities.

§ 7.573. Direction for disability-related policy.

(a) The Secretary of Administration is responsible for ensuring compliance with the employment provisions of Title I of the Americans With Disabilities Act (act) (42 U.S.C.A. §§ 12101—12213); and section 504 of the Rehabilitation Act of 1973 (42 U.S.C.A. § 794), relating to Commonwealth employment and for ensuring public access to Commonwealth programs and services.

(b) The Secretary of General Services is responsible for ensuring compliance with Title II of the act (42 U.S.C.A. §§ 12101—12117) relating to Commonwealth buildings and facilities and contract compliance.

(c) The Governor's Policy Office coordinates the implementation of Commonwealth disability-related policies and assess the effectiveness of those policies.

(d) The Office of General Counsel provides direction and guidance to executive agency legal counsel on handling disability-related litigation and reviews proposed disability-related rules and regulations of executive agencies before they are deposited with the Legislative Reference Bureau as required by sections 102, 201—208 and 602 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1102, 1201—1208 and 1602).

§ 7.574. Coordination of meetings.

The Governor's Policy Office coordinates regular meetings of the responsible agencies to discuss disability-related policy and resolve issues that may arise.

§ 7.575. Rescission.

Executive Order 1992-3, The Americans With Disabilities Act of 1990, is rescinded.

§ 7.576. (Reserved).**§ 7.577. (Reserved).**


Governor

Fiscal Note: GOV 97-7. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 97-541. Filed for public inspection April 11, 1997, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 1996-7]

Pennsylvania Center for Environmental Education

December 20, 1996

Whereas, the Pennsylvania Constitution entitles the people of the Commonwealth to clean air, pure water, and preservation of the natural, scenic, historic, and aesthetic values of the environment; and

Whereas, environmental education is critically important to encourage citizenry, business, industry, and local governments to help promote a healthy environment and an understanding of the functioning of the natural world and the necessity of environmental protection and sound resource management; and

Whereas, the Pennsylvania Environmental Education Act (Act 24 of 1993) imposes duties on the Departments of Environmental Protection and Conservation and Natural Resources to conduct an evaluation of the status of environmental education taking place in the nonformal educational sector of the Commonwealth and to maintain an inventory of environmental education materials, programs, and resources available in Commonwealth agencies; and

Whereas, there is a great need and demand for balanced environmental education in both the public and private sectors of the Commonwealth; and

Whereas, training and continuing education of both public and private sectors of the Commonwealth are necessary to provide appropriate and effective environmental education; and

Whereas, Pennsylvania business, industry, and local governments play an important role in protecting the environment and in environmental education; and

Whereas, the Department of Environmental Protection is promoting the use of sound science in decision making, pollution prevention, and public participation to achieve its goals, all of which cannot be accomplished without a strong environmental education program; and

Whereas, the Department of Education supports environmental education in the Commonwealth through the development of rigorous standards that address the environment and ecology, and by providing environmental education resources and technical guidance in environmental studies to all Pennsylvania schools; and

Whereas, the Department of Conservation and Natural Resources provides and promotes environmental education related to the conservation, utilization, and preservation of the natural resources of the Commonwealth and has a network of environmental education centers and state parks to provide the public, students, and educators access to environmental education services; and

Whereas, the Department of Community and Economic Development recognizes the role of environmental education in strengthening the sustainable global competitiveness of the Pennsylvania economy and enhancing the quality of life of Commonwealth communities; and

Whereas, the State System of Higher Education has set priorities to develop, refine, and conduct an ongoing review and revision of curricula to address student skill development in problem solving and decision making, along with their capacity for critical thinking and informed judgment to prepare them to live in a rapidly changing world and is dedicated to the improvement of teaching and learning for faculty at its own institutions as well as other colleges and universities; and

Whereas, the Pennsylvania Game Commission provides and promotes environmental education related to the conservation of wildlife, habitats and natural resources; has a Statewide network of wildlife education specialists and wildlife conservation officers who provide teacher workshops and youth and adult education programs; sponsors Project WILD, a National, interdisciplinary environmental education curriculum; and develops and distributes environmental education materials throughout the State; and

Whereas, the Fish and Boat Commission is committed to increasing knowledge and awareness of Pennsylvania's aquatic resources and contributes to that end through environmental education programs which provide educational resources and train educators to teach about the Commonwealth's aquatic and fishery resources, thereby complementing the Commis-

sion's efforts to provide fishing and boating opportunities through the protection and management of aquatic resources; and

Whereas, the Pennsylvania Association of Conservation Districts, Inc. is committed to promoting sound environmental education by developing materials and supporting the educational programs and other efforts of the Commonwealth's 66 county conservation districts; and

Whereas, the Pennsylvania Alliance for Environmental Education promotes and supports environmental education activities and efforts throughout Pennsylvania in order to develop a citizenry that understands and appreciates the natural world, recognizes and accepts responsibility for its impact on natural systems and is motivated to take personal action to solve environmental problems; and

Whereas, the efforts of all partners in environmental education in Pennsylvania would be enhanced by the existence of a center which would support and facilitate environmental education on a Statewide basis through school districts, intermediate units, county conservation districts, and nonprofit citizen and environmental education organizations; and

Whereas, the Departments of Environmental Protection, Conservation and Natural Resources, Education, Community and Economic Development, State System of Higher Education, Fish and Boat Commission, Game Commission, Pennsylvania Association of Conservation Districts, Inc., and Pennsylvania Alliance for Environmental Education wish to cooperate in a partnership to provide public access to quality environmental education, reduce the cost of the delivery of environmental education services, and provide an avenue for increased participation of educators, local officials, county conservation districts, citizen and nonprofit groups, business and industry as partners in the implementation of quality environmental education on a statewide basis.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the Environmental Education Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and other laws, and in furtherance of the purposes and policies of the Pennsylvania Constitution, do hereby establish the Pennsylvania Center for Environmental Education, as hereinafter set forth:

Annex A

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PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter MMM. PENNSYLVANIA CENTER FOR ENVIRONMENTAL EDUCATION

Sec.	
5.931.	Purpose.
5.932.	Functions.
5.933.	Composition.
5.934.	Relationship with other agencies.
5.935.	Staffing and expenses.
5.936.	Effective date.

§ 5.931. Purpose.

The Pennsylvania Center for Environmental Education is established to provide increased public and private access to quality environmental education through service, education and research.

§ 5.932. Functions.

The functions of the Pennsylvania Center for Environmental Education (Center) are to:

- (1) Establish an environmental education computer network system to help disseminate environmental education materials and programs.
- (2) Provide technical assistance for preservice teacher preparation in the area of environmental education.

(3) Provide the opportunity for professional development through continuing education.

(4) Promote the formation of partnerships with educators, schools, local officials, county conservation districts, business, industry, nonprofit citizen and environmental education organizations. In particular, the Center shall consult with the Pennsylvania Alliance for Environmental Education and National Environmental Education Advancement Project seed team members to set priorities and develop activities.

§ 5.933. Composition.

An executive committee, consisting of representatives of the Departments of Environmental Protection, Conservation and Natural Resources, Education, Community and Economic Development, State System of Higher Education, Fish and Boat Commission, Game Commission, Pennsylvania Association of Conservation Districts, Inc. and the Pennsylvania Alliance for Environmental Education shall be formed and meet at least annually for the purpose of setting priorities and suggesting activities. Additional executive committee members may be added at the discretion of the executive committee.

§ 5.934. Relationship with other agencies.

To implement the purpose of this subchapter, the committee may request and receive from any department, division, board, bureau, commission or any other agency under the Governor's jurisdiction, cooperation, information and data needed by the committee to properly carry out its powers and duties.

§ 5.935. Staffing and expenses.

The agencies shall cooperate in providing staff and financial resources to the Pennsylvania Center for Environmental Education.



Governor

Fiscal Note: GOV 97-9. (1) General Fund; (2) Implementing Year 1996-97 is \$52,100; (3) 1st Succeeding Year 1997-98 is \$245,000; 2nd Succeeding Year 1998-99 is \$252,300; 3rd Succeeding Year 1999-00 is \$259,900; 4th Succeeding Year 2000-01 is \$267,700; 5th Succeeding Year 2001-02 is \$275,700; (4) FY 1995-96 \$59.5 million; FY 1994-95 \$56.0 million; FY 1993-94 \$49.8 million; (7) Environmental Protection Operations; (8) recommends adoption.

[Pa.B. Doc. No. 97-542. Filed for public inspection April 11, 1997, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER 1996-12]

Workplace Policy for HIV/AIDS

December 20, 1996

Whereas, the number of Pennsylvanians directly and indirectly affected by HIV infection and AIDS continues to grow, touching every segment of the population; and

Whereas, the Commonwealth of Pennsylvania is devoting significant resources and energies in the fight against HIV and AIDS; and

Whereas, the Human Immunodeficiency Virus (HIV) that causes AIDS is transmissible from person to person only in limited ways and is not transmissible through casual contact; and

Whereas, currently there is no known cure for HIV/AIDS, available treatments have limited effect on the course of the disease, and the scientific community has found that HIV/AIDS is a chronic fatal disease; and

Whereas, personal behavior changes and education, as well as the use of safe practices known as "universal precautions" when coming in contact with blood and body fluids, are the best means currently available to prevent transmission of HIV; and

Whereas, other diseases related to HIV/AIDS, such as tuberculosis, are a significant workplace concern; and

Whereas, State employes must be prepared to work effectively with members of the public, clients, and coworkers with HIV or AIDS.

Now, therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct as follows:

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter FF. WORKPLACE POLICY FOR HIV/AIDS

Sec.	
7.431.	Overall HIV/AIDS and related disease workplace policy.
7.432.	Detailed provisions of the HIV/AIDS and related disease workplace policy.
7.433.	Agency HIV/AIDS policies.
7.434.	Rescission.

§ 7.431. Overall HIV/AIDS and related disease workplace policy.

(a) It is the policy of this administration to provide a nondiscriminatory environment that addresses the needs of persons with HIV/AIDS, takes steps to reduce the spread of HIV and ensures a safe working environment for staff who work with persons with HIV/AIDS.

(b) A person with HIV or AIDS shall be treated with respect and dignity and not to be denied any government service due to the person. State agencies, consistent with the services they provide, shall take steps to address the HIV/AIDS epidemic, including educating employes on the disease and working with clients on behavior changes that reduce the chance of transmission of HIV and related diseases. State employes and persons served by the Commonwealth may not be discriminated against on the basis of their actual or perceived HIV or AIDS status. This prohibition is reaffirmed by the Americans With Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) and the Pennsylvania Human Relations Act (43 P. S. §§ 951—963). The confidentiality of persons with HIV/AIDS shall be protected by State agencies.

(c) Commonwealth agencies shall take steps to minimize the chances of on-the-job exposure to HIV through procedures known as universal precautions. These steps also will reduce the chance of transmission of other diseases which are spread through blood or body fluids, such as Hepatitis B.

§ 7.432. Detailed provisions of the HIV/AIDS and related diseases workplace policy.

(a) Individuals or State employes with HIV infection or AIDS, or perceived to have these conditions, will not be discriminated against with regard to State services and with regard to appointment, transfer, promotion or other employment action. The Americans With Disabilities Act of

1990 (42 U.S.C.A. §§ 12101—12213) and the Pennsylvania Human Relations Act (43 P. S. § 951—963) prohibit this discrimination, as does section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794), The Civil Rights Restoration Act of 1987 (P. L. No. 100-259) (102 Stat. 28) and recent court decisions.

(b) No current or prospective State employe will be required to receive an HIV or AIDS antibody test, or other diagnostic test associated with HIV/AIDS, or reveal the results thereof as a condition of employment unless Federal or State law or regulations require this disclosure.

(c) State employes with HIV infection or AIDS may continue in their current jobs and work assignments as long as their health permits. If an employe with HIV/AIDS is unable to carry out essential job functions because of the illness, the employe will be afforded the same considerations as any other employe whose disability prevents the performance of essential job functions. Because of the episodic nature of secondary illnesses which affect persons with HIV/AIDS, employes may request reasonable accommodations which allow them to continue to work with their disability. These requests should be honored to the extent practicable, consistent with The Americans With Disabilities Act of 1990 and the Commonwealth Personnel Rules. State employes with HIV or AIDS who request a transfer or reassignment because of their medical condition should have these requests considered, consistent with agency needs.

(d) Managers, supervisors and employes should be given the name of a contact person within their agency who will operate as the agency HIV/AIDS coordinator providing information and assistance on HIV/AIDS-related issues and questions.

(e) Agencies will provide ongoing education and information to employes on HIV/AIDS and related diseases. Effective education should result in improved services to the public and reduced chances of transmission of disease in Commonwealth work settings. Education should be ongoing to reinforce earlier efforts and reflect new information. Of particular concern is education for those State employes who provide health care and counseling to clients at risk for HIV, those in law enforcement and criminal justice, and those who make or advise on policy decisions concerning HIV/AIDS and related diseases.

(f) Federal guidelines for protection against exposure to blood and body fluids shall be adopted by Commonwealth agencies. These guidelines are issued by the United States Public Health Service, Centers for Disease Control and Protection (CDC). Agencies shall take steps to ensure that staff who have the potential to be exposed to blood or body fluids implicated in the transmission of HIV follow specific Federal guidelines.

(g) State employes wanting more information on HIV/AIDS should contact their agency HIV/AIDS coordinator or personnel office. Additional information can be obtained from the Department of Health HIV/AIDS Factline, State and other public health centers, and local HIV/AIDS support groups. State employes wanting an HIV or AIDS antibody test should be referred to the Department of Health's testing centers.

(h) If an HIV or AIDS antibody test is desired by an employe because of a documented incident in the workplace, the test can be conducted during paid work hours and if there is a charge, costs will be reimbursed by the Commonwealth. The testing and reimbursement will be in accordance with the employing agency's work-related incident policies and procedures.

(i) HIV and AIDS-related information on State employes, dependents and clients shall be handled with strict confidentiality by agencies. Employe records that include HIV/AIDS-related information may not be filed in the Official Personnel Folder. Supervisory and management staff shall assure confidentiality when handling HIV/AIDS-related information, whether regarding employes or in the course of providing agency services. Agencies shall follow the Confidentiality of HIV-Related Information Act (35 P. S. §§ 7601—7612).

(j) The Secretary of Administration is responsible for updating and providing detail on the overall HIV/AIDS workplace policy for the Commonwealth and for coordinating education efforts for employes and contractors of State agencies on HIV/AIDS and related diseases. The Secretary of Health is responsible for establishing overall public health policy for the Commonwealth regarding HIV/AIDS and related diseases and for informing Commonwealth agencies of Federal and State public health requirements and guidelines for preventing transmission of HIV and related diseases in the workplace.

§ 7.433. Agency HIV/AIDS policies.

State agencies that develop individualized workplace policies on HIV/AIDS or related diseases, either centrally or for field facilities, should ensure that their issuances are consistent with Commonwealth policy. These policies are to be approved, in writing, by the Secretary of Administration and Secretary of Health before issuance.

§ 7.434. Rescission.

Executive Order 1989-5, AIDS Workplace Policy, is rescinded.



Governor

Fiscal Note: GOV 97-8. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 97-543. Filed for public inspection April 11, 1997, 9:00 a.m.]

Proclamation of Disaster Emergency

April 1, 1997

Whereas, investigations made at my direction have disclosed that a severe winter storm with heavy accumulations of snow and high winds resulting in extensive road closures, utility outages, property damages and other adverse impacts upon the population in Northeastern Pennsylvania; and

Whereas, the emergency situation throughout the Commonwealth has the potential for requiring the sheltering or evacuation of those citizens for their protection; and

Whereas, the emergency situation may be of such magnitude or severity to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county and municipal emergency response plans;

Now, Therefore, pursuant to the provision of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 *et seq.*), I do hereby proclaim the existence of a disaster emergency in the following counties: Monroe County, Pike County, Schuylkill County, Carbon County, Wayne County, Luzerne County, Chester County and Lackawanna County and I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

Further, I hereby transfer up to \$1,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by the various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. The time consuming bid and contract procedures and formalities normally prescribed by law shall be waived for the duration of the Proclamation, mandatory constitutional requirements excepted.

Further, I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources and personnel of the Department, in whatever manner that he deems necessary, to ensure that all interstate, other federal and state highways in the Commonwealth are cleared of snow and any other obstructions resulting from this severe winter storm. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources and personnel to assist local jurisdictions in clearing and removal of snow and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of the Department of Transportation. However, this assistance does not apply to privately owned highways, roads, streets, or other types of property.

Further, I direct that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal and other disaster response plans be activated and that all state, county and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

Further, pursuant to the powers vested in me by the Constitution and laws of the Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by the aforementioned emergency.

In particular, the Adjutant General is hereby authorized to use National Guard equipment, resources, and personnel to provide transportation to assist those segments of the general population that may be in need of medical or other types of emergency assistance as a result of the adverse impacts of this severe winter storm, and

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this first day of April in the year of our Lord one thousand nine-hundred and ninety-seven, and of the Commonwealth the two hundred and twenty-first.



Governor

[Pa.B. Doc. No. 97-544. Filed for public inspection April 11, 1997. 9:00 a.m.]