

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[Executive Order No. 1997-7]

Pennsylvania Human Resources Investment Council

December 19, 1997

Whereas, a well-educated, highly skilled workforce will enable Pennsylvania to be a leader among states and a competitor among nations; and

Whereas, Pennsylvanians have the work ethic and ability to make Pennsylvania a National leader, a global competitor, and a job creator; and

Whereas, workforce development is a process of education, training, and development activities for increasing the skills and knowledge of individuals so they can maximize their employment opportunities, participate in productive work, and achieve their career potential through employer-based or self-employment; and

Whereas, it is in the interest of the Commonwealth of Pennsylvania to build upon the current strengths of our workforce and to address more effectively the potential of Pennsylvania's citizens, employers, and communities by:

(1) recognizing that the skills and knowledge of Pennsylvania's workforce are the keys to providing enhanced opportunities for individuals and economic competitive advantage for businesses and communities;

(2) expanding and providing for more efficient and coordinated administration of workforce development activities;

(3) effecting the maximum feasible return on investment for the Commonwealth's citizens; and

(4) promoting the integration of workforce development, economic development, and education policy; and

Whereas, the goals of Pennsylvania's workforce development system are:

(1) economic opportunity for all citizens;

(2) economic self-sufficiency and individual responsibility, and

(3) an educated workforce with relevant skills; and

Whereas, the mission of Pennsylvania's workforce development system is to foster a dynamic world-class workforce in which Pennsylvania's citizens and businesses possess the knowledge and skills to succeed and to excel in a highly competitive and rapidly changing world; and

Whereas, the Commonwealth's achievement of a world-class workforce is best accomplished through a workforce development system that is dedicated to and operates in adherence with the following basic philosophy and core values:

(1) Economic competitiveness;

(2) Excellence in education, training, and workplace preparation;

(3) Strong work ethic;

(4) Lifelong learning;

(5) Stewardship of public resources;

(6) The highest quality delivery of market driven services that are readily identifiable and easily accessible, and that consider the abilities and work support needs of a diverse population;

(7) Informed choice regarding education and training opportunities and in career decision-making;

(8) Private-sector solutions to workforce development goals supplemented by appropriate government involvement when necessary;

(9) Cooperation and collaboration among all who participate and are engaged in this endeavor;

(10) Valuing all workers and all work; and

(11) Mutual respect; and

Whereas, an effective workforce development system is agile and flexible in meeting the local workforce and economic development needs of the Commonwealth and its regions and communities; and

Whereas, an effective workforce development system is agile and flexible in meeting the basic skills, career development, and other needs of the system's customers. The customers of the system are employers, job seekers, and incumbent workers.

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 establish, as part of Team Pennsylvania, the Pennsylvania Human Resources Investment Council (hereinafter referred to as Council) and invest it with the necessary powers to perform the duties and functions set forth herein and to advise and counsel me in the formation of a world-class workforce development system which complements the Commonwealth's overall education and economic development strategy and guides Federal, State, and local resources in a customer-focused and user-friendly manner that promotes a high quality, globally competitive workforce.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter Q. PENNSYLVANIA HUMAN RESOURCES INVESTMENT COUNCIL

Sec.	
1.209.	Purpose.
1.210.	Composition.
1.211.	Chairperson and Vice-Chairperson.
1.212.	Administration and staff.
1.213.	Cooperation of agencies.
1.214.	Designation as the Commonwealth's Human Resources Investment Council (HRIC).
1.215.	Quorum.
1.216.	Meetings.
1.217.	Subcommittees.
1.218.	Compensation.
1.219.	Rescission.

§ 1.209. Purpose.

The purpose of the Pennsylvania Human Resources Investment Council (Council) is to:

(1) Assess the economic and workforce needs of this Commonwealth, and develop a strategic plan to meet these Statewide needs.

(2) Continuously maintain a competitive advantage for this Commonwealth by developing, adopting and assuring the implementation of Statewide policies and goals for workforce development, including:

(i) Setting performance measurements and standards.

(ii) Defining financial resource investment priorities and strategies.

(iii) Developing return on investment criteria to measure the effectiveness of workforce development programs and activities.

(3) Coordinate with other Team Pennsylvania activities to develop a workforce development system that is market-driven and responsive to the needs of this Commonwealth's employers by supporting the primary goals of Team Pennsylvania which are to:

(i) Promote this Commonwealth to specific companies considering expansion and relocation.

(ii) Assist with business retention efforts.

(iii) Ensure that the Commonwealth's economic development strategies continue to be focused and effective.

(iv) Improve communication and collaboration among professionals serving this Commonwealth's businesses.

(4) Establish a rapid response mechanism to mobilize training resources to address the skill requirements for business retention or attraction opportunities created by major job projects of the Governor's Action Team or local economic developers.

(5) Collaborate and coordinate with State agencies and State boards and commissions that shape economic development and education policies of the Commonwealth, including, the Ben Franklin/IRC Partnership Board, the State Board of Education, the State Literacy Council, the Pennsylvania Apprenticeship and Training Council, the State Board of Vocational Rehabilitation, the State System of Higher Education, the State-related universities and the Pennsylvania Higher Education Assistance Agency, to develop Statewide policies that connect workforce development with lifelong learning and economic competitiveness.

(6) Collaborate with the Department of Community and Economic Development to ensure that the Statewide financing strategy for economic development reported to the General Assembly supports, and is supported by, the goals and objectives of the Commonwealth's workforce development system.

(7) Collaborate with the Department of Public Welfare to ensure that the Statewide welfare-to-work strategy established to meet the demands of the Personal Responsibility and Work Opportunity Act of 1996, the act of August 22, 1996 (Pub. L. No. 104-93, 110 Stat. 2105), supports, and is supported by, the goals and objectives of the Commonwealth's workforce development system.

(8) Review the provision of services and the use of funds and resources under applicable State and Federal human resource programs, and coordinate the provision of services and the use of funds and resources among State agencies consistent with the laws and regulations governing the programs. For purposes of this subchapter, applicable State and Federal human resource programs mean the following:

(i) The Job Training Partnership Act (29 U.S.C.A. §§ 1501—1792b).

(ii) The Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C.A. §§ 2301—2471).

(iii) The Wagner-Peyser Act (29 U.S.C.A. §§ 49—49l-1).

(iv) The Adult Education Act (20 U.S.C.A. §§ 1201—1213d).

(v) The School-to-Work Opportunities Act of 1994 (20 U.S.C.A. §§ 6101—6251).

(vi) The National and Community Service Trust Act of 1993, the act of September 21, 1993 (Pub. L. No. 103-82, 107 Stat. 785).

(vii) Title V of the Older Americans Act of 1965 (42 U.S.C.A. §§ 3056—3056i).

(viii) The Vocational Rehabilitation Act of 1973, as amended by the Rehabilitation Act of 1994 (29 U.S.C.A. §§ 701—797b).

(ix) The Customized Job Training Act (24 P. S. §§ 6201—6213).

(x) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the act of August 22, 1996 (Pub. L. No. 104—193, 110 Stat. 2105).

(xi) Section 202(a) of the Community Service Block Grant Amendments of 1994 (42 U.S.C.A. § 9901).

(xii) The Food Stamp Act of 1977 (Food Stamp Employment Training Program) (7 U.S.C.A. §§ 2011—2036).

(xiii) The Trade Act of 1974 (19 U.S.C.A. §§ 2101—2495).

(xiv) The Adult Literacy Act (24 P. S. §§ 6401—6409).

(xv) Article XIX-A of the Pennsylvania School Code of 1949 (Community Colleges) (24 P. S. §§ 19-1901-A—19-1913-A).

(xvi) The Workers' Compensation Act (77 P. S. §§ 1—1041.4)

(xvii) The Unemployment Compensation Law (43 P. S. §§ 751—914).

(9) Evaluate State and local plans and proposals submitted for the Federal and State acts in paragraph (8), and approve the investment of public dollars in plans and proposals which are consistent with the laws and regulations governing those acts and with the policies and priorities established by the Council.

(10) Develop strategies to assist local agents in providing support services including, child care and transportation to better meet the needs of system customers.

(11) Develop and advance strategies for local agents to work collaboratively to create regional networks, and to develop coordinated business plans and budgets within regional areas.

(12) Coordinate the following components of the Commonwealth's workforce development system:

(i) The development and dissemination of appropriate and necessary research and statistical information with the requisite protocols and standards for common data reference.

(ii) The identification and continuous study of workforce development system needs.

(iii) The development of common definitions and common and specific performance standards and measures for workforce development programs and activities.

(iv) The creation of consistent monitoring instruments for the programs and activities included in the system.

(v) The establishment and maintenance of a universally accessible information access system which enables the workforce development system to function and to serve its customers effectively.

(vi) The provision of technical assistance to assist local agencies in meeting any changes associated with a new workforce development system.

(vii) The implementation of mechanisms including, but not limited to, the collaborative process outlined in Federal law, to secure appropriate input from system customers and service providers in the development of policies, performance standards or investment strategies.

(13) Set standards for local career development marketplaces and workforce development system service provider participation, adopt an official workforce development system logo designation and develop a system-wide marketing program.

(14) Examine Federal and State laws and regulations to assess whether they present barriers to achieving the provisions of this subchapter and recommend to the Governor and to the Federal government changes or waivers in Federal or State statutes or regulations to eliminate barriers and promote the provisions of this subchapter.

(15) Report to the Governor, the General Assembly and the Commonwealth generally the Council's progress and the return on investment and the overall effectiveness of the State and Federal human resource programs defined in paragraph (7).

§ 1.210. Composition.

The Pennsylvania Human Resources Investment Council (Council) has been established in accordance with the composition requirements for State human resource investment councils found in Title VII of the Job Training Partnership Act (29 U.S.C.A. §§ 1792—1792b) or a Federally permissible alternative. In addition, the following individuals serve on the Council:

- (1) The Secretary of Aging.
- (2) The Secretary of Community and Economic Development.
- (3) The Secretary of Education.
- (4) The Secretary of Labor and Industry.
- (5) The Secretary of Public Welfare.
- (6) The Director of the Governor's Policy Office.
- (7) A private sector employer representative from each of the Team Pennsylvania regions.

§ 1.211. Chairperson and Vice-Chairperson.

The Governor will designate, to serve at his pleasure, one private-sector employer to serve as Chairperson and one government representative to serve as Vice-Chairperson of the Pennsylvania Human Resources Investment Council.

§ 1.212. Administration and staff.

(a) A management committee will be established comprised of Commonwealth government representatives of the Pennsylvania Human Resources Investment Council (Council) which is authorized to make determinations relating to the management and administration of workforce development programs.

(b) The management committee will develop an organizational framework for the conduct of the Council's work and for meeting the Council's staffing and support needs. The organizational framework may utilize existing staff structures or may constitute a new staffing arrangement.

(c) All executive State agencies are instructed to give to the Council any necessary assistance required by the Council in the performance of the duties of the Council so far as is compatible with the authority and ability of each State agency.

(d) The policy and program offices of the Departments of Aging, Community and Economic Development, Education, Labor and Industry, and Public Welfare shall provide personnel, equipment and resources, as may be required, for the functioning of the Council.

§ 1.213. Cooperation of agencies.

(a) The Pennsylvania Human Resources Investment Council (Council) will develop and adopt applied operating principles to govern the relationships between and among executive State agencies and other governmental and private sector organizations which are participants in the system.

(b) All executive State agencies are instructed to implement the decisions made by the Council regarding the State and Federal human resource programs in § 1.209(8) (relating to purpose) and other decisions directly related to the development, implementation and operation of the Commonwealth's workforce development system.

§ 1.214. Designation as the Commonwealth's Human Resources Investment Council (HRIC).

(a) The Pennsylvania Human Resources Investment Council (Council) is designated as the HRIC in accordance with Title VII of the Job Training Partnership Act (29 U.S.C.A. §§ 1792—1792b) and, as such, assumes the powers and responsibilities previously held by the State Job Training Coordinating Council.

(b) The Council may be known as or marketed by a name other than the "Pennsylvania Human Resources Investments Council" as determined by the Council or the Team Pennsylvania Board.

§ 1.215. Quorum.

A majority of the members constitutes a quorum of the Pennsylvania Human Resources Investment Council (Council) for the purpose of organizing and conducting the business thereof, and all action shall be taken by a vote of a majority of the members present.

§ 1.216. Meetings.

The Pennsylvania Human Resources Investment Council shall meet at times and places as determined to be necessary.

§ 1.217. Subcommittees.

The Pennsylvania Human Resources Investment Council has authority to establish and to appoint members and delegate duties to subcommittees, as it deems necessary, to fulfill its responsibilities. The subcommittees will be chaired by a member of the Council.

§ 1.218. Compensation.

Members of the Pennsylvania Human Resources Investment Council receive no compensation, but are entitled to receive an allowance for expenses incurred in the performance of duties.

§ 1.219. Rescission.

Executive Order 1983-4, Coordination of State Employment and Training Programs, is rescinded effective June 30, 1998.



Governor

Fiscal Note: GOV 97-18. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 98-158. Filed for public inspection January 30, 1998, 9:00 a.m.]

[4 PA. CODE CH. 5]

[Executive Order No. 1995-2]

Drug Policy Planning Coordination

December 19, 1997

Whereas, drug and alcohol abuse are responsible for numerous tragedies of contemporary society, including street crime, organized crime, school dropouts, mental illness, suicide, physical illness, unemployment, family breakups, highway injuries and fatalities; and

Whereas, alcohol-related fatalities are the number one cause of death among teenagers in Pennsylvania and at least 33 percent of all suicides and approximately 50 percent of all child and spouse abuse cases are related to substance abuse; and

Whereas, National and State studies have identified a strong link between drug and alcohol abuse and criminal behavior and at least 50 percent of the prisoners in the Commonwealth's jails and prisons need treatment for drug and alcohol abuse; and

Whereas, drug and alcohol abuse costs Pennsylvania an estimated \$5.3 billion annually in lost productivity and absenteeism; and

Whereas, the Congress of the United States has appropriated to the Commonwealth funds under the Federal Anti-Drug Abuse Act of 1986, which act encourages each state to develop a comprehensive and coordinated plan to implement a broad-based attack on the problems of drug and alcohol abuse; and

Whereas, the Congress of the United States has provided for increased drug education, treatment, and law enforcement programs in the Omnibus Drug Initiative Act of 1988, P. L. 100-690; and

Whereas, the Congress of the United States has appropriated to the Commonwealth funds under the Improving America's Schools Act of 1994, which act supports Federal, State, and community efforts and resources that prevent violence in and around schools by reducing the illegal use of alcohol, tobacco, and drugs; and

Whereas, to maximize the efficiency and effectiveness of Federal, State and local efforts to avoid duplication of effort and enhance coordination, the Commonwealth must have a comprehensive, coordinated strategy to combat illegal drug and alcohol use, and such a strategy should combine the elements of prevention, education, treatment, and enforcement; and

Whereas, a coordinated prevention effort for drug use and alcohol abuse is critical for the Commonwealth. The implementation and administration of drug use and alcohol abuse programs can be led more effectively and efficiently by one executive branch agency; and

Whereas, the Governor's Policy Office, which coordinates policy for all executive branch agencies, would be an appropriate entity to coordinate the development of the Commonwealth's drug use and alcohol abuse prevention policy; and

Whereas, the Pennsylvania Commission on Crime and Delinquency currently administers drug and violence prevention grant funds provided by the Federal government and would be an appropriate entity to coordinate the implementation and administration of drug use and alcohol abuse prevention efforts.

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 designate the Pennsylvania Commission on Crime and Delinquency in conjunction with the Governor's Policy Office as the State coordination agency for administration of Drug Policy Planning Coordination.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCIL'S AND COMMITTEES

Subchapter KK. DRUG POLICY PLANNING COORDINATION

- | | |
|--------|--|
| Sec. | |
| 5.391. | Purpose. |
| 5.392. | Coordination. |
| 5.393. | Powers and duties of the Chairperson of the Pennsylvania Commission on Crime and Delinquency (Commission). |
| 5.394. | Relationship to other agencies. |

§ 5.391. Purpose.

The purpose of this subchapter is to formulate, implement and evaluate Statewide strategies to combat illegal drug use and drug and alcohol abuse in the communities of this Commonwealth. The Chairperson of the Pennsylvania Commission on Crime and Delinquency, at the direction of the Governor, is authorized to receive and distribute all Federal funds previously or hereafter designated for drug and alcohol programs to be identified or selected by the Governor, and all categorical funds to be administered by executive branch agencies.

§ 5.392. Coordination.

(a) In developing the Commonwealth's drug use and alcohol abuse prevention policy, the Director of the Governor's Policy Office shall coordinate efforts among the following:

- (1) The Secretary of Public Welfare.
- (2) The Secretary of Health.
- (3) The Secretary of Education.
- (4) The Secretary of Labor and Industry.
- (5) The Commissioner of Corrections.
- (6) The Commissioner of State Police.

(7) The Chairperson and Executive Director of the Pennsylvania Commission on Crime and Delinquency (Commission).

- (8) The Attorney General.

(b) In the implementation and administration of drug use and alcohol abuse prevention efforts, the Chairperson or Executive Director of the Commission shall coordinate efforts among the following:

- (1) The Secretary of Public Welfare.
- (2) The Secretary of Health.
- (3) The Secretary of Labor and Industry.
- (4) The Commissioner of Corrections.
- (5) The Commissioner of the State Police.
- (6) The Secretary of Education.
- (7) The Attorney General.

(c) Other State officials may be invited, from time to time, at the discretion of the Chairperson of the Commission or Director of the Governor's Policy Office, to participate in meetings when the attendance is deemed necessary.

§ 5.393. Powers and duties of the Chairperson of the Pennsylvania Commission on Crime and Delinquency (Commission).

The Chairperson shall have the following powers and duties:

(1) To implement a Statewide strategy for the prevention and eradication of illegal drug use and drug and alcohol abuse and related problems by:

(i) Maximizing the effectiveness of limited resources for law enforcement, prosecutorial, correctional and related functions.

(ii) Promoting coordination of Federal, State and local efforts to focus on particular drugs of abuse.

(iii) Ensuring that drug and alcohol abuse education efforts are carried out in the schools Statewide and identifying and assisting students at risk of drug and alcohol abuse.

(iv) Promoting coordinated delivery of drug and alcohol abuse treatment and rehabilitation services.

(v) Encouraging integration of drug and alcohol treatment and rehabilitation service with other human service delivery systems.

(vi) Establishing policies and priorities for the allocation of Federal and State funds to support prevention, education, treatment and enforcement efforts administered by the State departments, boards and commissions.

(vii) Using other means as the Chairperson deems appropriate.

(2) To evaluate existing drug and alcohol abuse prevention, education, treatment, and enforcement programs and strategies and direct appropriate changes and strategies.

(3) To conduct hearings at locations that the Chairperson of the Commission or Director of the Governor's Policy Office shall determine.

§ 5.394. Relationship to other agencies.

(a) Executive branch agencies shall cooperate to the fullest extent with the Chairperson of the Pennsylvania Commission on Crime and Delinquency (Commission) and shall provide information needed by the Chairperson in fulfilling his mandate under this subchapter.

(b) The Chairperson of the Commission may designate another executive branch agency as the administering agency for all or a portion of the funds awarded to the Governor under the Safe and Drug-Free Schools and Communities Act of 1994 (26 U.S.C.A. 7101—7143).



Governor

Fiscal Note: GOV 97-19. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 98-159. Filed for public inspection January 30, 1998, 9:00 a.m.]