CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS

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Source
The provisions of this Chapter 7a adopted by Executive Order No. 2007-07, dated June 14, 2007, 40 Pa.B. 14, unless otherwise noted.

Subchapter A. SUBSIDIZED CHILD CARE PROVIDERS

Sec.
7a.1. Definitions.
7a.2. Election of exclusive representative.
7a.3. Meeting with exclusive representative.
7a.4. Memorialization of agreement.
7a.5. State action exemption.
7a.6. Report to the Governor.
7a.7. Miscellaneous provisions.
7a.8. Term.

§ 7a.1. Definitions.

For purposes of this subchapter, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:

Exclusive representative—The exclusive representative of subsidized child care providers exempt from certification or registration elected under § 7a.2 (relating to election of exclusive representative).

Exempt providers—Subsidized child care providers exempt from certification or registration. Child care providers who participate in the subsidized child care program and are not subject to Article IX or X of the Public Welfare Code (62 P.S. §§ 901—921 and 1001—1088) and not governed by 55 Pa. Code Chapters 3270, 3280 and 3290 (relating to child day care centers; group child day care homes; and family child day care homes).

Secretary—The Secretary of the Department of Public Welfare or a designee.

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§ 7a.2. Election of exclusive representative.
The Secretary will select a reputable organization with experience in conducting representation elections to conduct a mail ballot election for the exclusive representative of exempt providers. For an election to occur, a representative or representative organization must have collected signed cards from at least 30% of all exempt providers indicating their desire for representation. The exclusive representative will be named upon successful completion of an election in which the representative receives at least a majority of the votes cast.

Cross References
This section cited in 4 Pa. Code § 7a.1 (relating to definitions).

§ 7a.3. Meeting with exclusive representative.
The Secretary will meet, confer and discuss with the exclusive representative issues of mutual concern regarding quality early care and education that prepares children for schools.

§ 7a.4. Memorialization of agreement.
When an agreement is reached, it will be memorialized in writing. The agreement will be subject to any agency rulemaking, statutory or budgetary changes that may be required. Any agreement which requires rulemaking, statutory or budgetary changes will be contingent upon the successful completion of the rulemaking, legislative or budgetary process. The parties will jointly seek the enactment of the regulatory or legislative action.

Cross References
This section cited in 4 Pa. Code § 7a.6 (relating to report to the Governor).

§ 7a.5. State action exemption.
In affording exempt providers the right to select the exclusive representative, engage in collective action, and jointly engage in negotiations with the Commonwealth pursuant to the terms of this subchapter, the Commonwealth intends that the “State Action” exemption to Federal antitrust laws be fully available to the Commonwealth, exempt providers and the exclusive representative. The exempt conduct will be actively supervised by the Department of Public Welfare.

§ 7a.6. Report to the Governor.
The Secretary will issue a report to the Governor regarding the progress of the Secretary and the exclusive representative under the terms of this subchapter by October 12, 2007, and annually thereafter on or before September 1st until an agreement under § 7a.4 (relating to memorialization of agreement) has been reached.

§ 7a.7. Miscellaneous provisions.
(a) Nothing in this subchapter is intended to give exempt providers, or imply that these exempt providers, have any right to engage in a strike or work stoppage.
(b) Nothing in this subchapter is intended to grant exempt providers Commonwealth employee status or in any way imply an employer-employee relationship.
§ 7a.8. Term.
This subchapter shall be effective immediately and remain in effect until rescinded by the Governor.

Subchapter B. REGISTERED FAMILY CHILD CARE PROVIDERS

Sec. 7a.11. Definitions.
7a.12. Election of exclusive representative.
7a.13. Meeting with exclusive representative.
7a.15. State action exemption.
7a.16. Report to Governor.
7a.17. Miscellaneous provisions.
7a.18. Term.

§ 7a.11. Definitions.
For purposes of this subchapter, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:

Exclusive representative—The exclusive representative of registered family child care providers elected under § 7a.12 (relating to election of exclusive representative).

Registered family child care provider—A person who operates a family child care home granted a certificate of registration under Article X(c) of the Public Welfare Code (62 P. S. §§ 1070—1080) and governed by 55 Pa. Code Chapter 3290 (relating to family child day care homes).

Secretary—The Secretary of the Department of Public Welfare or a designee.

§ 7a.12. Election of exclusive representative.
The Secretary will select a reputable organization with experience in conducting representation elections to conduct a mail ballot election for the exclusive representative of registered family child care providers. For an election to occur, a representative or representative organization must have collected signed cards from at least 30% of registered family child care providers indicating their desire for representation. The exclusive representative will be named upon successful completion of an election in which the representative receives at least a majority of the votes cast.

Cross References
This section cited in 4 Pa. Code § 7a.11 (relating to definitions).
§ 7a.13. Meeting with exclusive representative.

The Secretary will meet, confer and discuss with the exclusive representative issues of mutual concern on common goals such as a quality early childhood education and care program that includes availability to low-income families, professional preparation and development, health and safety regulations, reimbursement rates, payment procedures, the monitoring and evaluating of registered family child care as well as other issues that are of mutual interest for quality early education and care.


When an agreement is reached, it will be memorialized in writing. The agreement will be subject to any agency rulemaking, statutory, or budgetary changes that may be required. Any agreement which requires rulemaking, statutory or budgetary changes will be contingent upon the successful completion of the rulemaking, legislative or budgetary process, or both. The parties will jointly seek the enactment of the regulatory or legislative action.

Cross References

This section cited in 4 Pa. Code § 7a.16 (relating to report to Governor).

§ 7a.15. State action exemption.

In affording registered family child care providers the right to select the exclusive representative, engage in collective action, and jointly engage in negotiations with the Commonwealth pursuant to this subchapter, the Commonwealth intends that the “State Action” exemption to Federal antitrust laws be fully available to the Commonwealth, family child care providers and the exclusive representative. The exempt conduct will be actively supervised by the Department of Public Welfare.

§ 7a.16. Report to Governor.

The Secretary will issue a report to the Governor regarding the progress of the Secretary and the exclusive representative under the terms of this subchapter by October 12, 2007, and annually thereafter on or before September 1st until an agreement under § 7a.14 (relating to memorialization of agreement) has been reached.

§ 7a.17. Miscellaneous provisions.

(a) Nothing in this subchapter is intended to give registered family child care providers, or imply that registered family child care providers, have any right to engage in a strike or work stoppage.

(b) Nothing in this subchapter is intended to grant registered family child care providers Commonwealth employee status or in any way imply an employer-employee relationship with the Commonwealth.
§ 7a.18. Term.
This subchapter shall be effective immediately and remain in effect until rescinded by the Governor.

Subchapter C. [Reserved]

Sec.
7a.21—7a.30. [Reserved].
7a.31. Rescission.

Source
The provisions of this subchapter C adopted by Executive Order No. 2010-04, dated September 14, 2010, 40 Pa.B. 6071; reserved by Executive Order No. 2010-04 Rescission, dated December 1, 2010, 40 Pa.B. 7333, unless otherwise noted.

§ 7a.21—7a.30. [Reserved].

§ 7a.31. Rescission.
This subchapter is rescinded, effective December 1, 2010.

Subchapter D. PENNSYLVANIA-PRODUCED AGRICULTURAL PRODUCTS PROGRAM

Sec.
7a.41. Commonwealth agency purchases.
7a.42. Identification of sources.
7a.43. Soliciting vendors.
7a.44. Report.
7a.45. Definitions.
7a.46. Resolving conflicts with other jurisdictions.
7a.47. Effective date.

Source
The provisions of this subchapter D adopted by Executive Order No. 2010-03, dated September 14, 2010, 40 Pa.B. 6074, unless otherwise noted.

§ 7a.41. Commonwealth agency purchases.
All agencies under the jurisdiction of the Governor that purchase agricultural products shall, to the extent permitted by the laws and agreements of the United States and the Commonwealth and so as not to trigger the reciprocal preference laws of other states, purchase Pennsylvania-produced agricultural products when available at competitive prices.
§ 7a.42. Identification of sources.
Agencies shall, prior to purchasing agricultural products, research potential sources of these agricultural products to determine whether there are potential vendors of Pennsylvania-produced agricultural products. At a minimum, agencies shall contact the Department of Agriculture or review Department of Agriculture published lists of producers of Pennsylvania Preferred® agricultural products or licensees of the Pennsylvania Preferred® trademark to identify potential bidders and vendors. The Department of Agriculture will assist agencies in identifying other potential vendors of Pennsylvania-produced agricultural products.

§ 7a.43. Soliciting vendors.
If there are vendors of Pennsylvania-produced agricultural products that would be responsive to the particular needs of the agency, the agency shall solicit a quote, price or proposal from those vendors.

§ 7a.44. Report.
Commonwealth agencies that purchase agricultural products shall, on or before January 1 of each year, provide a report to the Department of Agriculture describing the types, quantities, and costs of each agricultural product purchased and each Pennsylvania-produced agricultural product purchased. The report shall be completed on a form provided by the Department of Agriculture.

§ 7a.45. Definitions.
For purposes of this subchapter, Pennsylvania-produced agricultural products shall consist of any of the following:

(1) Fresh, unprocessed agricultural products with respect to which the Department of Agriculture has granted a license allowing the use of the Pennsylvania Preferred® trademark for marketing purposes.

(2) Processed agricultural products with respect to which the Department of Agriculture has granted a license allowing the use of the Pennsylvania Preferred® trademark for marketing purposes.

(3) Fresh, unprocessed agricultural products with respect to which the vendor provides written certification that the following conditions apply:
   (i) One hundred percent of the products are harvested in a raw state (for plant products) or a live state (for animal products) from within this Commonwealth.
   (ii) If inspected by the Department of Agriculture, the United States Department of Agriculture, the Food and Drug Administration or an independent certifying organization, the products have met the quality standards of that inspecting body.

(4) Fresh, unprocessed agricultural products with respect to which the vendor provides written certification that the following conditions apply:
(i) The products have been grown within this Commonwealth for at least 75% of the products’ production cycle.

(ii) If inspected by the Department of Agriculture, the United States Department of Agriculture, the Food and Drug Administration or an independent certifying organization, the products have met the quality standards of that inspecting body.

(5) Processed agricultural products with respect to which the vendor provides written certification that:

(i) One hundred percent of the final processing and packaging occurred within this Commonwealth.

(ii) If the primary ingredients are grown in this Commonwealth, at least 60% of the processor’s annual production is sourced using products meeting the criteria for “Fresh, unprocessed products” described in paragraphs (1)—(4).

(iii) If the primary ingredients are grown in this Commonwealth (these ingredients are “grown in Pennsylvania” if they are listed as being grown in this Commonwealth at a commercial level in the most recent annual report prepared by the Pennsylvania Agricultural Statistics Service), but at a low level of production which means the processor cannot buy enough to meet the 60% criteria at the time of application to the Pennsylvania Preferred Program, the processor buys the maximum amount of Pennsylvania product available to it.

(iv) If the primary ingredients are not grown in this Commonwealth (these ingredients are “not grown in Pennsylvania” if they are not listed as being grown in this Commonwealth at a commercial level in the most recent annual report prepared by the Pennsylvania Agricultural Statistics Service), the processor performs at least 75% of the product’s processing operations within this Commonwealth.

(v) The processing is in compliance with all State and Federal food safety and sanitary requirements and has not incurred a major violation of these requirements within the most recent calendar year.

§ 7a.46. Resolving conflicts with other jurisdictions.

It is not the intention of this subchapter to violate or conflict with any international treaty or reciprocal preference statute of another jurisdiction. This subchapter shall be interpreted and applied to avoid any violation or conflict.

§ 7a.47. Effective date.

This order shall take effect immediately.
Subchapter E. LICENSEE TAX RESPONSIBILITY PROGRAM

Sec.
7a.51. Establishment.
7a.52. Licensee Tax Responsibility Committee.
7a.53. Cooperation with chief administrators.
7a.54. Notice to licensing agency.
7a.55. Confidentiality of records.
7a.56. Limitation on use of information.
7a.57. Participation by State agencies.
7a.58. Effective date.
7a.59. Termination date.
7a.60. Rescission.

Source

The provisions of this Subchapter E adopted by Executive Order No. 2011-06, dated September 15, 2011, 41 Pa.B. 5350, unless otherwise noted.

§ 7a.51. Establishment.

The Secretary of Revenue shall develop and operate a Licensee Tax Responsibility Program to identify any applicants for the issuance or renewal of State-issued licenses who have not timely reported or paid State taxes due and owing to the Commonwealth.

§ 7a.52. Licensee Tax Responsibility Committee.

The Secretary of Revenue shall establish a Licensee Tax Responsibility Committee (Committee) to oversee the Licensee Tax Responsibility Program. The Committee will consist of representatives of the Department of Revenue, the Department of Labor and Industry, the Department of State and the Office of General Counsel and other agencies as the Governor may direct from time to time. The Committee shall make an annual report to the Governor.

§ 7a.53. Cooperation with chief administrators.

The chief administrators of all Commonwealth agencies under the Governor’s jurisdiction shall cooperate with the Secretary of Revenue (Secretary) in implementing the Licensee Tax Responsibility Program (Program) by providing the Secretary with:

(1) The necessary information regarding business licensees and applicants for business licenses of the agency including the applicant’s State Personal Income Tax identification number, State Sales Tax number, State Corporation Tax number, State Employer Withholding Tax number and Unemployment Compensation account number on not less than an annual basis.

(2) A statement signed by each licensee and applicant for license under penalty of perjury, indicating that all State tax reports have been filed and paid or, in the alternative, that a deferred payment plan is currently in effect. Com-
monwealth agencies under the Governor’s jurisdiction are directed to utilize license application, renewal or transfer forms, or both, that include an express waiver by the applicant regarding confidentiality of the subject Commonwealth tax information, for the limited purpose of the Commonwealth executive agency providing information to the Department of Revenue and the Department of Labor and Industry, to be used solely in connection with the Program. This signed waiver is to shield Commonwealth agencies from legal actions arising from the utilization of otherwise confidential State tax information.

§ 7a.54. Notice to licensing agency.
The Secretary of Revenue shall issue a notice to the licensing agency indicating those licensees and applicants who have unresolved State tax obligations on not less than an annual basis.

§ 7a.55. Confidentiality of records.
Agencies, officers and employees shall treat records and files disclosed by the Department of Revenue as confidential and privileged to the extent provided by law and may disclose tax information only as authorized by law. The failure of any agency employee to implement standards safeguarding confidential State tax information will render the employee subject to sanctions as described in statutes dealing with the confidentiality of State tax information. See section 731 of The Fiscal Code (72 P. S. § 731), regarding confidential information.

§ 7a.56. Limitation on use of information.
Use of Commonwealth tax information that is compiled or created under this subchapter is limited to the following:

(1) Collection of Commonwealth tax delinquencies from existing licensees in relationship to the renewal or transfer of their existing State license or from applicants for these licensees.

(2) Notification to a Commonwealth executive agency of the identity of applicants or existing licensees who have not filed Commonwealth tax returns, which notification constitutes a permissible purpose to disclose that information between various Commonwealth executive and independent agencies and the Department of Revenue and the Department of Labor and Industry. Exchange of otherwise confidential information falls within the “official purposes” exception of section 731 of The Fiscal Code (72 P. S. § 731). See Frontage, Inc. v. Allegheny County, 162 A. 2d 1, 400 Pa. 249 (1960) and 1990 Op. Att. Gen. No. 90-1.

§ 7a.57. Participation by State agencies.
Agencies, officers and employees under the Governor’s jurisdiction shall fully and actively participate in the Licensee Tax Responsibility Program. Agencies outside of the purview of this subchapter are strongly encouraged to participate.
§ 7a.58. Effective date.
This subchapter takes effect immediately.

§ 7a.59. Termination date.
This subchapter will remain in effect unless revised or rescinded by the Governor.

§ 7a.60. Rescission.
Executive Order 2006-03 is rescinded.

Subchapter F. [Reserved]

Source
The provisions of this Subchapter F adopted by Executive Order No. 2011-05, dated July 27, 2011, 41 Pa.B. 5345; reserved by Executive Order No. 2016-06, dated April 18, 2016, 46 Pa.B. 2268, unless otherwise noted. Immediately preceding text appears at serial pages (358604) and (361633) to (361634).

§§ 7a.71—7a.75. [Reserved].

Subchapter G. SUNSET TASK FORCE

Sec.
7a.81. Purpose.
7a.82. Definitions.
7a.83. Powers and duties.
7a.84. Composition.
7a.85. Compensation.
7a.86. Staffing.

[Next page is 7a-13.]
§ 7a.81. Purpose.

The purpose of the Sunset Task Force (Task Force) is to establish a governance structure for assessing the viability and benefit of the Commonwealth’s existing boards and commissions and to provide recommendations as to their continued existence.

(1) The Task Force shall only review executive boards and commissions.

(2) The Task Force does not have the authority to review independent boards and commissions including the independent boards and commissions for which the Governor makes nominations or appointments. Independent boards and commissions include the Board of Claims, the State Civil Service Commission, the Environmental Hearing Board, the State Ethics Commission, the Fish and Boat Commission, the Game Commission, the Pennsylvania Gaming Control Board, the Pennsylvania Historical and Museum Commission, the Pennsylvania Human Relations Commission, the Liquor Control Board, the Milk Marketing Board, the Board of Probation and Parole, the Pennsylvania Public Utility Commission, the Turnpike Commission, the Board of Pardons and the Pennsylvania Labor Relations Board.

§ 7a.82. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context indicates otherwise:

Executive boards and commissions—

(i) Boards and commissions operating under the supervision and control of the Governor.

(ii) Boards and commissions of agencies under the supervision and control of the Governor.

Independent boards and commissions—

(i) Boards and commissions that do not fall under the supervision and control of the Governor.

(ii) Boards and commissions of agencies that are not under the supervision and control of the Governor.

§ 7a.83. Powers and duties.

(a) The Sunset Task Force (Task Force) shall:

(1) Identify the Commonwealth’s executive boards and commissions.
(2) Conduct a review the executive boards and commissions created by Executive Order, statute or other legal authorization.

(3) Recommend procedures for limiting or terminating the existence of current and future boards and commissions.

(4) Report to the Governor.

(b) The purpose of a review is to determine the value, productivity and efficiency of executive boards and commissions.

(c) At the direction of the Task Force, a comprehensive database system shall be developed to identify the Executive Order, statute or other legal authorization establishing each executive board or commission. The comprehensive database system must also track information related to member qualifications and terms, the purpose of the executive board or commission and other information that will increase the efficiency of the process for appointments or functioning of the executive board or commission.

(d) Executive boards and commissions that do not meet the criteria of value, productivity or efficiency, as determined by the Task Force, will be recommended to be terminated to one of the following:

(1) The Governor if created by an Executive Order.

(2) The General Assembly if created by statute.

(e) The Task Force may recommend consolidation or streamlining of existing executive boards and commissions, as appropriate.

(f) The Task Force shall provide recommendations as to procedures to limit new executive boards and commissions to a finite life-span not to exceed 5 years from the date of creation.

(g) The Task Force shall complete its review and submit written recommendations to the Governor by May 13, 2013.

§ 7a.84. Composition.

(a) The Sunset Task Force shall consist of no more than 25 members who will be appointed by and serve at the pleasure of the Governor.

(b) The Governor will designate one member to serve as chairperson and may designate one member to serve as vice-chairperson. The chairperson and vice-chairperson serve at the pleasure of the Governor.

§ 7a.85. Compensation.

Members of the Sunset Task Force will not receive compensation for their service except that members may be reimbursed for travel expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

§ 7a.86. Staffing.

The Office of Administration and the Office of the Budget shall provide administrative and staff resources to support the Sunset Task Force.
§ 7a.87. Cooperation by State agencies.
Agencies under the Governor’s jurisdiction shall cooperate with and provide assistance and support as needed by the Sunset Task Force to carry out its functions effectively.

§ 7a.88. Effective date.
This subchapter takes effect immediately.

§ 7a.89. Termination date.
This subchapter remains in effect until May 13, 2013.

Subchapter H. PERMIT DECISION GUARANTEE FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

§ 7a.91. Types of permits covered.
This subchapter authorizes the Department of Environmental Protection (Department) to establish by policy, using an open and participatory process, the elements of the Permit Decision Guarantee Program and the specific permits covered by the permit decision guarantee. Permits may include those with the most direct impacts on protection of public health, safety and the environment, as well as economic development. The Department will periodically revise and republish the policy as needed. Notice of these actions will be published in the Pennsylvania Bulletin.

§ 7a.92. Applicant responsibilities.
The permit applicant is responsible for submitting an application that contains the information needed by the Department of Environmental Protection (Department) to make a decision and meets applicable environmental statutory and regu-
latory requirements. The applicant is encouraged to schedule a preapplication conference with the Department as soon as practicable to discuss the permitting needs for the total project.

§ 7a.93. Department of Environmental Protection responsibilities.

The Department of Environmental Protection (Department) will establish clear guidance that describes permit application requirements. The permit decision guarantee policy (policy) developed by the Department for implementation of this subchapter must include a predictable processing time for each permit application covered by the permit decision guarantee. The policy must establish that the Department will strive to process environmentally-protective applications as expeditiously as possible but no longer than the established processing times. The policy must indicate that only applications that are complete and technically adequate are eligible for the permit decision guarantee and that incomplete or severely deficient applications will be returned to the applicant. The processing time is the total number of business days beginning with the receipt of an application and ending with the final action by the Department.

§ 7a.94. Coordinated permits.

The Department of Environmental Protection (Department) will coordinate the review of applications for projects with multiple permits. The Department will develop and update, as needed, a permit coordination policy that is consistent with the permit decision guarantee.

§ 7a.95. Staff evaluation.

The Department of Environmental Protection will establish performance standards for staff engaged in permit reviews and consider compliance with the review deadlines a factor in job performance evaluations.

§ 7a.96. Information technology tools.

The Department of Environmental Protection will develop, implement and improve available information tools to include an automated system, when possible, for notifications, permit applications, form letters regarding application completeness and technical deficiency, and general permit registration notifications.

§ 7a.97. Effective date.

This subchapter takes effect July 24, 2012. Applications received by the Department of Environmental Protection on or after July 24, 2012, are included in the Permit Decision Guarantee Program.

§ 7a.98. Termination date.

This subchapter remains in effect until amended or rescinded by the Governor.

§ 7a.99. Rescission.

Executive Order 1995-5 is rescinded.
Subchapter I. [Reserved]

Source


§§ 7a.101—7a.106. [Reserved].

Subchapter J. PARTICIPANT-DIRECTED HOME CARE SERVICES

Sec.
7a.111. Definitions.
7a.112. Governor’s Advisory Group on Participant-Directed Home Care.
7a.113. Direct Care Worker Representative.
7a.114. Direct Care Worker List.
7a.115. Existing rights and relationships.
7a.117. Effect and duration.

Source

The provisions of this Subchapter J adopted by Executive Order No. 2015-05, dated February 27, 2015, 45 Pa.B. 1937, unless otherwise noted.

§ 7a.111. Definitions.

As used in this subchapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

Department—The Department of Human Services.

Deputy Secretary—The Deputy Secretary of Human Services for Long Term Living.

Direct care worker—A person who provides participant-directed services in a participant’s home under a home care service program.

Direct Care Worker List—A monthly list compiled at the direction of and maintained by the Department of the names and addresses of all direct care workers who have within the previous 3 months been paid through a home care service program that provides participant-directed services. The list shall specify the program through which each direct care worker is paid, but nothing that would identify the name of any participant.

Direct Care Worker Representative—The designated representative elected according to the procedure in § 7a.113 (relating to Direct Care Worker Representative).

Home care service programs—The following programs administered by the OLTL and any successor programs:

(i) The Aging Waiver Program.
(ii) The Attendant Care Waiver Program.
(iii) The CommCare Waiver Program.
(iv) The Independence Waiver Program.
(v) The OBRA Waiver Program.
(vi) The Act 150 Program.

OLTL—The Department’s Office of Long Term Living.

Participant—A person who receives services from a direct care worker under a home care service program.

Participant-directed services—

(i) Personal assistance services, respite and participant-directed community supports or similar types of services provided to a senior or a person with a disability who requires assistance and wishes to hire, terminate, direct and supervise the provision of care under the home care service programs, provided now and in the future, to:
   (A) Meet the person’s daily living needs.
   (B) Ensure the person may adequately function in the person’s home.
   (C) Provide the person with safe access to the community.

(ii) The term does not include any care provided by a worker employed by an agency as defined in section 802.1 of the Health Care Facilities Act (35 P. S. § 448.802a).

Secretary—The Secretary of Human Services.

§ 7a.112. Governor’s Advisory Group on Participant-Directed Home Care.

(a) The Governor’s Advisory Group on Participant-Directed Home Care (Advisory Group) is established to ensure the quality of long-term participant-directed home care. The Advisory Group shall advise the Governor’s Office and executive branch agencies and offices of the Commonwealth, including the Department, on ways to improve the quality of care delivered through the home care service programs.

(b) The Advisory Group shall be composed of seven members who shall serve at the pleasure of the Governor. The seven members include the Secretary, or a designee (who shall serve as Chairperson of the Advisory Group), and the Deputy Secretary, or a designee. The remaining five members of the Advisory Group will be appointed by the Governor and include both participants or their surrogates and advocates for seniors and people with disabilities.

(c) Beginning no later than June 30, 2015, the Advisory Group shall meet at least quarterly to study and discuss the experiences and best practices of other states that administer similar programs to provide participant-directed home care services. The Advisory Group shall review the following subjects:

(1) Establishment and maintenance of policies, practices and procedures designed to ensure that the Commonwealth continues its efforts to reduce the numbers of residents in this Commonwealth currently on waiting lists to receive services through the home care service programs.

(2) Evaluation of the work of the OLTL to ensure that the program standards of the home care service programs are being met as they apply to the provision of participant-directed services. The Advisory Group may not review
the activities of the Department pertaining to pending reviews and investigations that involve potential fraud or criminal conduct unless the information is publicly available.

(3) Establishment and maintenance of policies, practices and procedures designed to ensure that the Commonwealth continues its efforts to rebalance resources for long-term care services from institutional care to home and community based services.

(4) Establishment and maintenance of policies, practices and procedures designed to ensure that the Commonwealth continues to adhere to the principles of participant-direction, independent living and consumer choice.

(5) Other issues that the Governor may deem appropriate.

§ 7a.113. Direct Care Worker Representative.

(a) Recognition of representative. The Secretary shall recognize a representative for the direct care workers for the purpose of discussing issues of mutual concern through a meet and confer process.

(b) Election process. The Secretary shall designate the American Arbitration Association to conduct an election and certify the election outcome pursuant to the following process:

(1) An election shall be conducted to designate a representative when an organization seeking to be so designated presents signed authorization cards to the Governor, or a designee, demonstrating that at least 10% of the providers identified on the most recent Direct Care Worker List choose to be represented by an organization.

(2) All direct care workers identified on the most recent Direct Care Worker List, at the time the election is requested, shall be eligible to vote in an election. If the majority of votes cast in the election are for the petitioning organization, the American Arbitration Association shall certify the election results and the Secretary shall recognize the organization as the Direct Care Worker Representative. There shall only be one Direct Care Worker Representative recognized at any time.

(3) The recognized Direct Care Worker Representative shall continue to act as long as the organization complies with its responsibilities concerning representation of direct care workers. Direct care workers who wish to remove the Direct Care Worker Representative shall seek removal in accordance with the election process in this subsection. Direct care workers may not seek removal earlier than 1 year after the organization is recognized as the Direct Care Worker Representative.

(c) Meet and confer process. The Secretary, the Deputy Secretary and the Direct Care Worker Representative shall meet and confer to address concerns of direct care workers and ways to improve the quality of care provided under the home care service programs.

(1) The Secretary, the Deputy Secretary and the Direct Care Worker Representative shall meet at least monthly on mutually agreeable dates and times.

(2) The Secretary, the Deputy Secretary and the Direct Care Worker Representative shall discuss relevant issues, including:

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(i) The quality and availability of participant-directed services in this Commonwealth within the framework of principles of participant-direction, independent living and consumer choice.

(ii) The improvement of the recruitment and retention of qualified direct care workers.

(iii) The development of a direct care worker registry or worker-participant matching service to provide routine, emergency and respite referrals of qualified direct care workers to participants who are authorized to receive long-term, in-home care services under one of the home care service programs.

(iv) Standards for compensating direct care workers, including wage ranges, health care benefits, retirement benefits and paid time off.

(v) Commonwealth payment procedures relating to the home care service programs.

(vi) Development of an orientation program for direct care workers working in a home care service program.

(vii) Training and professional development opportunities for direct care workers.

(viii) Voluntary payroll deductions for direct care workers.

(3) The Direct Care Worker Representative shall have the opportunity to meet with the Governor, or a designee, at least once annually to discuss the outcome of the meet and confer sessions with the Secretary.

(d) Memorandum of mutual understanding.

(1) Mutual understandings reached during the meet and confer process shall be reduced to writing. When appropriate, and with the approval of the Governor, understandings reached through the meet and confer process will be implemented as the policy of the Department relating to direct care workers providing participant-directed services. If a mutual understanding requires legislation or rulemaking, the Direct Care Worker Representative may make recommendations for legislation or rulemaking to the relevant body.

(2) Nothing in this subchapter shall compel the parties to reach mutual understandings.

(3) In the event the parties are unable to reach mutual understandings, the Governor, or a designee, will convene a meeting of the parties to understand their respective positions and attempt to resolve the issues of disagreement.

Cross References
This section cited in 4 Pa. Code § 7a.111 (relating to definitions).

§ 7a.114. Direct Care Worker List.

(a) The Secretary shall compile a list each month of the names and addresses of all direct care workers (DCW List) who, within the previous 3 months, have been paid through a home care service program that provides participant-directed services. The DCW List shall specify every program through which each direct care worker was paid. The DCW List may not include the name of any partici-
pant, any designation that a direct care worker is a relative of a participant or any designation that the direct care worker’s home address is the same as a participant’s address.

(b) An employee organization that has as one of its primary purposes the representation of direct care workers in their relations with this Commonwealth or other public entities may petition the Secretary to represent a particular unit of direct care workers.

(c) Upon a showing made to the Secretary by an employee organization described in subsection (b) that at least 50 direct care workers support the organization’s petition to provide representation, the Secretary shall provide to the organization, within 7 days, the most recent DCW List and, for an additional 6 months thereafter, upon request shall supply subsequent monthly lists.

(d) Any vendor or contractor that provides financial management services for the Commonwealth in connection with any home care service program shall assist and cooperate with the Department in compiling and maintaining the DCW List. The Secretary shall ensure that all existing and future contracts with vendors or contractors providing financial management services for the Commonwealth require the fiscal intermediary to cooperate in the creation and maintenance of the DCW List.

§ 7a.115. Existing rights and relationships.

(a) Nothing in this subchapter shall be construed to limit communication between or among Commonwealth employees, representatives of employee associations, the heads of executive branch agencies and the Governor. This subchapter may not be construed or interpreted to dimin ish any rights, responsibilities, powers or duties of individual employees in their service to the Commonwealth. This subchapter does not diminish or infringe upon any rights, responsibilities, powers or duties conferred upon any officer or agency by the Constitution or laws of the Commonwealth.

(b) Nothing in this subchapter shall be interpreted to grant direct care workers the status of Commonwealth employees. The provisions of this subchapter may not be construed or interpreted to create collective bargaining rights or a collective bargaining agreement under any Federal or State law.

(c) Nothing in this subchapter or in any memorandum of mutual understanding that may be reached hereunder shall alter the unique relationship between the individual participants and direct care workers. Participants shall retain the rights to select, hire, terminate and supervise a direct care worker. This subchapter is not intended to grant any right, or to imply that direct care workers have any right, to engage in a strike or other collective cessation of the delivery of services.

(d) Nothing in this subchapter, or in any memorandum of mutual understanding that is reached hereunder, shall alter the rights of direct care workers, including the right to become a member of a labor organization or to refrain from becoming a member of labor organization.

(e) In accordance with all applicable Federal and Commonwealth laws, all existing or future vendors or contractors providing financial management services for the Commonwealth shall refrain from interfering with a direct care worker’s decision to join or refrain from joining a labor organization.
(f) This subchapter and any memorandum of mutual understanding reached hereunder may not be interpreted to require a direct care worker to support a labor organization in any way.

(g) Nothing in this subchapter, or in any memorandum of mutual understanding that is reached thereunder, shall limit a direct care worker’s ability, individually or in concert with others, to petition the Commonwealth regarding any issue of concern.

Agencies under the Governor’s jurisdiction shall take all steps necessary to implement the provisions of this subchapter.

§ 7a.117. Effect and duration.
This subchapter shall be effective immediately and remain in effect until amended or rescinded by the Governor.

Subchapter K. STATE EMERGENCY OPERATIONS PLAN

Sec.
7a.121. Pennsylvania Emergency Management Agency.
7a.122. Commonwealth agencies.
7a.123. General provisions.

Source
The provisions of this Subchapter K adopted by Executive Order No. 2015-06, dated April 16, 2015, 45 Pa.B. 2455, unless otherwise noted.

§ 7a.121. Pennsylvania Emergency Management Agency.
The Pennsylvania Emergency Management Agency shall maintain and take all action with regard to the State Emergency Operations Plan (Plan) as is necessary to ensure the Commonwealth’s ability to prepare for, respond to and recover from disaster emergencies. Action includes, but is not limited to, providing training and exercise opportunities, guidance and other assistance to Commonwealth agencies tasked with emergency support functions under the Plan.

§ 7a.122. Commonwealth agencies.
Each Commonwealth agency shall:
(1) Familiarize its personnel with the State Emergency Operations Plan (Plan) and applicable emergency support functions. Each Commonwealth agency is responsible for fulfilling its duties under the Plan.
(2) Prepare, maintain and keep current comprehensive standard operating procedures for the execution of its assigned duties and emergency support functions in accordance with guidance from the Pennsylvania Emergency Management Agency.
(3) Provide pertinent training to its personnel and conduct periodic exercises consistent with its obligations under the Plan.
(4) Ensure that personnel and work rules, position descriptions and other relevant considerations allow the agency to provide additional support to the Commonwealth during disaster emergencies requiring such support.
§ 7a.123. General provisions.
   (a) This subchapter is effective immediately.
   (b) The State Emergency Operations Plan supersedes all previous emergency
       management plans in their entirety and shall be implemented consistent with
       applicable law.
   (c) Nothing in this subchapter shall be construed to impair or otherwise affect
       the authority granted by law to an executive department, agency or the head
       thereof.
   (d) This subchapter is not intended to, and does not, create any right or benefit,
       substantive or procedural, enforceable at law or in equity by any party
       against the Commonwealth, its departments, agencies or entities, its officers,
       employees or agents, or any other person.
   (e) The Pennsylvania Emergency Management Agency shall carry out its
       responsibilities under this subchapter in consultation with other Commonwealth
       departments and agencies.

Subchapter L. GOVERNOR’S FOOD SECURITY PARTNERSHIP AND
ADVISOR TO THE GOVERNOR ON FOOD AND NUTRITION
PROGRAMS

Sec.
7a.131. Advisor to the Governor on Food and Nutrition Programs.
7a.132. Governor’s Food Security Partnership.
7a.133. Purpose of the Governor’s Food Security Partnership.
7a.134. Duties and responsibilities of the Governor’s Food Security Partnership.
7a.135. Effective date.
7a.136. Termination date.
7a.137. Rescission.

Source
The provisions of this Subchapter L adopted by Executive Order No. 2015-12, dated September 29,
2015, 45 Pa.B. 6968, unless otherwise noted.

§ 7a.131. Advisor to the Governor on Food and Nutrition Programs.
   (a) The Advisor to the Governor on Food and Nutrition Programs (Advisor)
       coordinates all food and nutrition programs and the Governor’s Food Security
       Partnership (Partnership).
   (b) The Advisor shall:
       (1) Coordinate interdepartmental efforts designated to reduce hunger and
           improve nutrition among Pennsylvanians.
       (2) Review and evaluate the operations and policies of all State and Federal
           food and nutrition programs administered by the Commonwealth.
       (3) Organize private and public sector efforts to improve the Commonwealth’s
           response to the food and nutrition needs of its citizens.
       (4) Work with State and Federal officials, as well as with State and local
           food and nutrition providers, advocates and consumers, to increase the effectiveness
           and accessibility of Federal and State food and nutrition programs to reduce
           hunger and improve the nutrition of Pennsylvanians.
§ 7a.132. Governor’s Food Security Partnership.

The Governor’s Food Security Partnership (Partnership) is established to work with the Advisor to the Governor on Food and Nutrition Programs (Advisor) to develop and implement strategies to improve the nutrition of Pennsylvanians. The Partnership shall be chaired by the Advisor and be comprised of the cabinet secretaries of the Department of Aging, the Department of Agriculture, the Department of Community and Economic Development, the Department of Education, the Department of Health and the Department of Human Services.

§ 7a.133. Purpose of the Governor’s Food Security Partnership.

Governor’s Food Security Partnership is established to:

1. Work cooperatively towards alleviating hunger and related conditions of poverty in this Commonwealth.
2. Develop and implement plans and strategies which will improve the nutritional status of Pennsylvanians.

§ 7a.134. Duties and responsibilities of the Governor’s Food Security Partnership.

The duties and responsibilities of the Governor’s Food Security Partnership are to:

1. Promote coordination, communication and joint planning among government programs and entities in the private sector in providing nutrition and food assistance to Pennsylvanians.
2. Provide a forum for new and innovative efforts directed toward reducing hunger and improving the nutrition of all Pennsylvanians. These efforts may include developing new public or private sector initiatives.
3. Work cooperatively on efforts to reach those who are at the highest risk of suffering from hunger, and to expand food and nutrition delivery systems to create better access to food and nutrition services for those in need.
4. Identify gaps in food and nutrition delivery systems through statistical and program analyses, surveys, studies and public hearings.
5. Develop, improve and expand education programs dealing with food and nutrition in this Commonwealth.
6. Develop and implement strategies to expand the use of Pennsylvania agricultural products in public and private food and nutrition delivery systems.

§ 7a.135. Effective date.

This subchapter takes effect immediately.

§ 7a.136. Termination date.

This subchapter remains in full force and effect until the Governor’s Food Security Partnership goes out of existence or this order is rescinded by another Executive Order.

4 § 7a.132

GOVERNOR’S OFFICE

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§ 7a.137. Rescission.
Executive Order 1988-4, dated April 7, 1988, and Revision No. 1, dated December 27, 1990, are hereby rescinded.

Subchapter M. ENTERPRISE INFORMATION TECHNOLOGY GOVERNANCE

Sec.
7a.141, 7a.142, 7a.143, 7a.144, 7a.145, 7a.146, 7a.147.

Powers and duties.
Responsibilities.
Agency Chief Information Officer reporting and performance.
Implementation.
Effective date.
Termination date.
Rescission.

Source
The provisions of this Subchapter M adopted by Executive Order No. 2016-06, dated April 18, 2016, 46 Pa.B. 2268, unless otherwise noted.

§ 7a.141. Powers and duties.
(a) The Governor’s Office of Administration, Office for Information Technology (OA/OIT) led by the Commonwealth Chief Information Officer has overall responsibility for the management and operation of information technology (IT) services for executive agencies under the Governor’s jurisdiction, including, but not limited to:

(1) Developing and recommending to the Secretary of Administration priorities and strategic plans.
(2) Consolidating infrastructure and support services.
(3) Directing IT investments, procurement and policy.
(4) Working to ensure that agencies comply with direction from OA/OIT regarding the provisions in this subsection.

(b) OA/OIT shall make recommendations to the Secretary of Administration regarding major changes to staffing and Commonwealth agencies under the Governor’s jurisdiction (Enterprise) IT operational matters, and otherwise has the authority to make Enterprise decisions regarding restructuring and operational matters regarding consolidation, delivery of shared services, monitoring of project performance and other responsibilities within the scope of this subchapter.

§ 7a.142. Responsibilities.
The Governor’s Office of Administration, Office for Information Technology (OA/OIT) shall be responsible for the following:

(1) Governance and strategic planning. OA/OIT shall:
   (i) Develop annual information technology (IT) strategic plans for Commonwealth agencies under the Governor’s jurisdiction (Enterprise) that include IT priorities, coordination and monitoring of resource use and expenditures, performance review measures, and procurement and other governance and planning measures.
(ii) Review and approve individual agency IT strategic plans.
(iii) Consult with the Governor’s Office of the Budget on budgetary matters regarding IT planning and procurement.
(iv) Create an advisory structure, which may include agency Chief Information Officers, to advise OA/OIT regarding overall technology governance.

(2) **Portfolio and project management, business process review.** OA/OIT shall:

(i) Establish and maintain an IT portfolio management process for overall monitoring of IT program objectives, alignment with Enterprise IT priorities, budgets and expenditures.
(ii) Identify common IT business functions within agencies, make recommendations for consolidation, integration and investment, and facilitate the use of common technology, as appropriate.
(iii) Expand Enterprise and agency use of project management methodologies and principles on IT projects, including measures to review project delivery and quality.
(iv) Ensure agency compliance with required business process reviews for agency or Enterprise IT projects.

(3) **IT procurement and contract management.** OA/OIT shall:

(i) Maintain a central procurement organization within OA/OIT.
(ii) Procure or supervise the procurement of all IT hardware, software and services for the Enterprise and the agencies.
(iii) Oversee Enterprise IT contract issues, monitoring and compliance.
(iv) Serve as a liaison between agencies and contracted IT vendors.
(v) Align the appropriate technology and procurement methods with the OA/OIT service strategy.

(4) **IT enterprise architecture, standards and policy.** OA/OIT shall:

(i) Establish an Enterprise IT architecture framework that governs IT investments. The IT architecture framework should include:
   (A) The development of standards, policies, processes and strategic technology roadmaps.
   (B) The performance of technical reviews and capability assessments of services, technologies and agency systems.
   (C) The evaluation of requests for IT policy exceptions.
(ii) Develop and implement Enterprise-wide efforts to standardize data elements and determine data ownership assignments.
(iii) Develop and maintain a comprehensive Enterprise IT inventory.
(iv) Monitor agencies’ compliance with IT policy and standards through an architectural review process.

(5) **IT Security Management.** OA/OIT shall:

(i) Maintain and strengthen the Commonwealth’s cyber security posture through security governance.
(ii) Develop Enterprise security solutions, services and programs to protect data and infrastructure.
(iii) Identify and remediate security risks, and maintain citizen trust in securing their personal information.
(iv) Implement Enterprise programs, processes and solutions to maintain cyber security situational awareness, and effectively respond to cyber security attacks and IT security incidents.
(v) Foster an Enterprise culture of situational and risk awareness.
(vi) Conduct evaluations and compliance audits of Enterprise and agency security infrastructure.
(6) **IT consolidation and shared services.** OA/OIT shall:
   (i) Recommend and conduct the consolidation of agency IT services including infrastructure, personnel, investments, operations and support services.
   (ii) Establish and facilitate a process for the identification, evaluation and optimization of IT shared services.
   (iii) Establish, maintain and communicate service level agreements for shared services.
(7) **Telecommunications governance.** OA/OIT shall:
   (i) Establish a process for the development and implementation of Enterprise telecommunications policy, services and infrastructure, and for reviewing and authorizing agency requests for enhanced services.
   (ii) Identify opportunities for convergence and for leveraging existing assets to reduce or eliminate duplicative telecommunication networks.
(8) **IT service management.** OA/OIT shall:
   (i) Establish and maintain an IT service management process library within OA/OIT to govern the services provided to agencies.
   (ii) Establish a formal governance body to evaluate the introduction of new IT services as well as retiring of existing IT services.
   (iii) Establish metrics to monitor the health of the services OA/OIT provides to customer agencies and make appropriate corrections as necessary.

§ 7a.143. Agency Chief Information Officer reporting and performance.
(a) Each executive agency Chief Information Officer (CIO) shall have a direct reporting relationship to the Commonwealth Chief Information Officer (Commonwealth CIO).
(b) The Commonwealth CIO is responsible for final approval of all agency information technology senior management appointments.
(c) The performance reviews of all agency CIOs shall be conducted by the Commonwealth CIO in consultation with the head of each CIO’s agency. The Commonwealth CIO will establish a framework that identifies performance objectives for agency CIOs that includes metrics which measure alignment with the Governor’s Office of Administration, Office for Information Technology policies, priorities, service management processes, investments and agency service portfolio health.

§ 7a.144. Implementation.
All Commonwealth agencies under the Governor’s jurisdiction shall take all steps necessary to implement this subchapter. Independent agencies are also strongly encouraged to implement this subchapter.
§ 7a.145. Effective date.
This subchapter takes effect immediately.

§ 7a.146. Termination date.
This subchapter remains in effect unless revised or rescinded by the Governor.

§ 7a.147. Rescission.
Effective immediately, Executive Order 2011-05, Enterprise Information Technology Governance, is rescinded.

Subchapter N. OPEN DATA, DATA MANAGEMENT AND DATA GOVERNANCE

7a.151. Powers and duties.
(a) The Governor’s Office of Administration (OA) shall develop data priorities, strategic plans, direct data investments, procurements and policy for Commonwealth agencies under the Governor’s jurisdiction (Enterprise). The Enterprise shall comply with direction from OA regarding the matters which are the subject of this subchapter. OA shall make decisions on behalf of the Enterprise regarding operational matters regarding open data, data governance, data protection, data development, data analytics, data sharing and other responsibilities within the scope of this subchapter.

(b) OA shall develop and facilitate the approach of the Enterprise to engagement with private and other public stakeholders on the matters which are the subject of this subchapter.

7a.152. Responsibilities.
The Governor’s Office of Administration (OA) shall be responsible for the following:
(a) Creating the position of a Chief Data Officer tasked with establishing and maintaining a master data management plan that will be made available to the public, updated annually and incorporates the following:
(b) Creating an advisory group (which should include, among others, agency Chief Information Officers, Information Security Officers, Data Stewards, archi-
tects, privacy officers, risk managers and legal representation) to advise OA, Office for Information Technology regarding overall data governance.

(c) Creating frameworks that include policies, processes and standards that adhere to commonly accepted principles and legal requirements for data governance, data development, and the quality, sourcing, use, access, content, ownership, licensing of relevant data and Enterprise data sharing.

(d) Creating a maintenance plan for the Enterprise Open Data Portal for the Enterprise and public access.

(e) Providing guidance to the Enterprise regarding the procurement and standardization of technologies and services related to the subject matter of this subchapter through the use of Information Technology Policies.

(f) Communicating with the public both by publishing Enterprise open data plans and policies and by soliciting or allowing for public input, or both, on the subject matter of this subchapter.

(g) Examining internally the Commonwealth data sets for business, confidentiality, privacy and security issues, and the reasonable mitigation of those issues, prior to the data’s release for open data purposes.

(h) Developing and facilitating the approach of the Enterprise to engagement with private and other public stakeholders, including, but not limited to, arranging for and expediting data-sharing and data access agreements, such as Memoranda of Understanding, and encouraging and facilitating cooperation and substantive and administrative efficiencies.

(i) Prioritizing and coordinating data privacy and protection efforts across the Enterprise to maximize the privacy and protection of all data and to reduce the risk of public exposure of private or protected data.

(j) Identifying other potential areas of risk related to data storage, processing, access and sharing, and creating ways to manage that risk.

(k) Creating a framework for internal and external entities of the Enterprise to enable data access between citizen profiles and systems of record, data sharing, improve data portability and access, inventories, and analytics, and address barriers to implementing the framework.

§ 7a.153. Executive agencies.

Agencies under the Governor’s jurisdiction shall provide assistance to and cooperate with Governor’s Office of Administration (OA) as requested by OA in the pursuit of the matters which are the subject of this subchapter.

§ 7a.154. Independent agencies, State-affiliated entities and State-related entities.

Independent agencies, State-affiliated entities and State-related agencies are strongly encouraged to implement this subchapter.

§ 7a.155. Effective date.

This subchapter takes effect immediately.

§ 7a.156. Termination date.

This subchapter remains in effect unless revised or rescinded by the Governor.
Subchapter O. COMMONWEALTH PARTNERSHIP WITH TEAM PENNSYLVANIA FOUNDATION

Sec. 7a.161. Purpose.
7a.162. Cooperation of State agencies.
7a.163. Appointments.
7a.164. Applicability.
7a.165. Effective date.
7a.166. Rescission.

Source
The provisions of this Subchapter O adopted by Executive Order No. 2017-06, dated December 20, 2017, 48 Pa.B. 217, unless otherwise noted.

§ 7a.161. Purpose.
The purpose of the affirmation of the partnership between the Commonwealth and Team Pennsylvania Foundation is to advance innovation, efficiency and transparency within Commonwealth government at State and local levels, stimulate business growth in this Commonwealth, ensure excellent, responsive and accessible education options, identify and leverage alternative private sector resources for public sector priorities, and help create domestic and international business opportunities for this Commonwealth’s job creators.

§ 7a.162. Cooperation of State agencies.
Agencies under the Governor’s jurisdiction shall recognize Team Pennsylvania Foundation as a unique and trusted partnership with the Commonwealth and cooperate with and support it to the extent permissible under applicable laws, policies and regulations to assist it in pursuing the common mission of creating and expanding opportunities for businesses and individuals to succeed in this Commonwealth.

§ 7a.163. Appointments.
To help ensure private sector engagement and participation, the Governor will endeavor to include Team Pennsylvania Foundation leadership on all relevant commissions, boards and appointments to other bodies and positions, as appropriate.

§ 7a.164. Applicability.
This subchapter is intended to promote the attainment of the mission and goals of Team Pennsylvania Foundation insofar as they enhance the economic betterment of this Commonwealth, and is not intended to create any right or benefit, whether substantive or procedural, that is enforceable at law or equity by any party against the Commonwealth, its agencies, officers or employees, or against any other person.

§ 7a.165. Effective date.
This subchapter takes effect immediately.
§ 7a.166. Rescission.
Effective immediately, Executive Order 2011-03 is rescinded.

Subchapter P. KEYSTONE ECONOMIC DEVELOPMENT AND WORKFORCE COMMAND CENTER

Sec.
7a.171. Purpose.
7a.172. Responsibilities.
7a.173. Composition.
7a.174. Executive Director.
7a.175. Compensation.
7a.176. Responsibilities of State agencies.
7a.177. Reports.
7a.178. Committees.
7a.179. Implementation.
7a.180. Effective date.

Source
The provisions of this Subchapter P adopted by Executive Order No. 2019-02, dated February 19, 2019, 49 Pa.B. 1993, unless otherwise noted.

§ 7a.171. Purpose.
The Keystone Economic Development and Workforce Command Center will address the Commonwealth’s workforce challenges by convening a public-private partnership to target collectively public programs and resources to address the Commonwealth’s workforce shortage and talent needs, recommend action to reduce or eliminate impediments to employment and better align the Commonwealth’s resources and private sector needs to position this Commonwealth as the keystone for a skilled workforce and competitive business climate.

§ 7a.172. Responsibilities.
The Keystone Economic Development and Workforce Command Center shall be responsible for the following:

a. Identify impediments to employment, including but not limited to those that are imposed by the Commonwealth’s regulations and practices, such as licensure, certification and continuing education requirements.

b. Develop proposals and recommendations that minimize barriers to employment, modernize the workforce and improve the business climate in this Commonwealth.

c. Identify successful models from the public and private sectors that address a worker’s need for access to a broad range of supports.

d. Define and implement coordinated strategies across Commonwealth agencies to improve talent attraction and retention in critical industries within this Commonwealth including, but not limited to health care, education, agriculture, manufacturing, technology and innovation, and other targeted sectors.

e. Monitor implementation of the Governor’s priorities, policies and initiatives related to workforce development.
f. Engage and partner with other stakeholders, including but not limited to businesses, trade organizations, philanthropic and community organizations, to carry out the functions described herein.

g. Review and, where appropriate, implement recommendations from the Auditor General’s 2019 audit of the Commonwealth’s workforce development system.

h. Develop workforce and economic development goals and track implementation and progress through the development of a dashboard.

§ 7a.173. Composition.

The Keystone Economic Development and Workforce Command Center (Center) shall be composed of an Executive Committee and representatives from the executive branch as described herein.

a. Executive Committee. The Center shall be led by an Executive Committee consisting of the following:

(1) A representative from each of the following private sector entities:
   (a) Pennsylvania Chamber of Business and Industry;
   (b) The Pennsylvania American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); and
   (c) Team Pennsylvania Foundation.

(2) The following Commonwealth officials:
   (a) Secretary of the Department of Community and Economic Development or designee;
   (b) Secretary of the Department of Labor and Industry or designee; and
   (c) Secretary of the Department of State or designee.

b. Additional Members. Other members of the Center include:

(1) A representative from each of the following:
   (a) The Office of the Auditor General, in its capacity as a Commonwealth entity responsible for improving government accountability, transparency and the effective use of taxpayer dollars; in this case as it relates to the workforce and economic development strategies undertaken by the Center; and
   (b) The State Workforce Development Board, in its capacity as the Commonwealth’s private sector policy advisor on building a strong workforce development system aligned with economic development goals.

(2) The following Commonwealth officials:
   (a) Secretary of the Department of Education or designee;
   (b) Secretary of the Department of Human Services or designee;
   (c) Secretary of the Department of Agriculture or designee; and
   (d) Secretary of the Department of Corrections or designee.

c. All agencies under the Governor’s jurisdiction that are members of the Center shall cooperate and provide assistance as needed to the Center in performing its functions. The Center will receive administrative services and assistance from the Department of Community and Economic Development.
§ 7a.174. Executive Director.
   a. The Governor shall appoint an Executive Director to oversee the Keystone Economic Development and Workforce Command Center’s (Center) operations who shall serve at the pleasure of the Governor.
   b. The Executive Director shall report directly to the Secretary of the Department of Community and Economic Development.
   c. The Executive Director shall regularly convene meetings with the Executive Committee and members to ensure the Center is meeting the Center’s purpose as defined under Center responsibilities.
   d. The Executive Director in consultation with the Secretary of the Department of Community and Economic Development may hire such staff as may be needed to carry out the functions described in this subchapter.

§ 7a.175. Compensation.
   Members of the Keystone Economic Development and Workforce Command Center shall receive no compensation for their service, except that members may be reimbursed for travel and related expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

§ 7a.176. Responsibilities of State agencies.
   Agencies whose industry sectors are facing significant workforce shortage or whose consumer populations are facing barriers to entry and retention, or both, shall cooperate with, provide assistance to, and review recommendations of the Keystone Economic Development and Workforce Command Center with respect to the Center’s purpose and responsibilities, as set forth in this subchapter.

§ 7a.177. Reports.
   The Keystone Economic Development and Workforce Command Center (Center) shall submit an annual report to the Governor or the Governor’s designee, and other reports as the Center deems necessary, on the identified areas of responsibility for the Center, and overall issues affecting workforce and economic development including workforce shortages and barriers to work in the Commonwealth.

§ 7a.178. Committees.
   The Executive Committee shall have the authority to establish, appoint members and delegate duties to committees as it deems necessary to fulfill the Keystone Economic Development and Workforce Command Center’s (Center) duties and responsibilities. All committees shall be chaired by a member of the Center.

§ 7a.179. Implementation.
   All Commonwealth agencies under the Governor’s jurisdiction are directed to take all steps necessary to implement this subchapter. Independent agencies are also strongly encouraged to implement this subchapter.

§ 7a.180. Effective date.
   This subchapter shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.