§ 3.23 New York state conservation corps. 1. A New York state conservation corps (hereafter referred to as the "corps") within the office is hereby established for the following purposes:

a. To protect air, fish, forest, land, water and wildlife;

b. To help maintain and improve botanical gardens, historic sites, libraries, museums, parks, parkways, refuges, trails, zoos and other recreational investments;

c. To aid agricultural, fishing, forestry and tourist industries;

d. To provide jobs and job training for young unemployed men and women, especially from disadvantaged backgrounds, to act as a stepladder to permanent employment;

e. To foster co-operation among civilian and governmental agencies in order to educate the public about state resources;

f. To reinforce the "I Love New York" campaign;

g. To take advantage of the capital investment in facilities and equipment already in place from the programs of youth and young adult and civilian conservation corps paid for by federal dollars;

h. To educate the participants about our natural environment and cultural heritage, teach first aid and disaster procedures, and to otherwise encourage them to further their education; and

i. To do such other projects which provide disaster relief, increase energy conservation, improve fire prevention, beautify highways, control insects and rodents, upgrade public lands, and revitalize urban areas.

2. The office is authorized to provide for the use of state appropriations as are available for such purposes:

a. To coordinate corps participants in doing projects on land owned by

the state or by a municipality or by an Indian nation, or activities taking place at nonproject sites when appropriate; and

b. To enter into agreements with any municipal corporation, state agency, not-for-profit organization or Indian nation which will agree to do projects consistent with this section.

3. The corps shall consist of the following components:

a. Summer: for youth enrollees, aged fourteen--eighteen;

b. Seasonal: for unemployed young adult enrollees, aged sixteen--twenty-four;

c. Non-residential: for young adult enrollees, aged sixteen--twenty-four;

d. Residential: for young adult enrollees, aged eighteen--twenty-five;

e. Volunteer: for interested persons of any age who are members of an organized group which has proper leadership and insurance;

f. Crew Leader: for young adults, aged eighteen and over;

g. Staff: for adults, aged twenty-one and up, who are needed for the few positions enrollees or crew leaders cannot fill; and

h. Director: for adults, aged twenty-five and up, who are in charge of local or state projects, residential camps, or overall program of corps.

4. The following minimum standards and requirements shall apply for all projects funded pursuant to the provisions of this section:

a. Enrollees and crew leaders shall be paid at rates set by the office, and may have incentive steps up to twice the rate of the federal minimum wage;

b. The distribution of projects should as much as practicable reflect the population of the state as a whole, the usage of qualifying sites, the population of and unemployment rates among the target age group, except for special needs arising from disasters caused by man and/or nature;

c. Applicants for summer and seasonal enrollee positions shall be chosen for interview by random methods;

d. Local operators shall match funds received from the state by providing for twenty percent local share of project costs consisting of cash or in kind services;

e. No participant in the corps shall displace or be substituted for existing employees;

f. No individual may be an enrollee in the corps for more than twenty-four months of accumulated service;

g. All residential camps shall be operated by the office;

h. Projects will receive preference which provide for the most long term benefits to the public, meaningful work, work experiences, and are labor intensive;

i. A corps member must be a citizen or lawful permanent resident or lawfully admitted noncitizen;

j. Applicants for seasonal enrollee positions shall be unemployed;

k. Special consideration shall be given to the recruitment of enrollees who are economically, socially, physically, and educationally disadvantaged;

l. Volunteers may not be used for hazardous duties or law enforcement work;

m. Program funds may be expended to provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, recruiting, training and supervision;

n. Volunteers shall not be deemed to be employees, except for tort claims relating to compensation for work injuries;

o. The corps may do work at federal sites;

p. The corps will help support the empire state games, the state fair, and other events consistent with this section;

q. The corps will help the department of commerce, the Olympic regional development authority, the Adirondack park agency, and local agencies in their tourist development activities;

r. The office shall whenever possible coordinate program activities with other youth sections of the office, department of labor, department of environmental conservation, the division for youth, agencies or programs operating pursuant to the Federal job training partnership act, department of social services, department of education, and local youth agencies;

s. Of the sums appropriated to carry out this section for any fiscal year from state and/or federal and/or private sources:

(i) not less than fifty percent shall go to local governments and not-for-profit groups,

(ii) not less than ten percent shall be spent on summer component,

(iii) not less than twenty-five percent of state projects shall be operated by the department of environmental conservation,

(iv) not less than ten percent of state projects shall be operated by Indian nations;

(v) not less than fifty percent of state projects shall be operated by the office;

t. Educational opportunities for corps participants shall be enhanced by:

(i) the provision of training and reference materials, both internal and from other state or federal sources,

(ii) arranging with educational institutions for the awarding of academic credit for competencies developed,

(iii) encouraging corps members to continue studies during non-working hours to complete high school equivalency diploma or college courses or job skill training;

u. The office shall coordinate educational, recruiting and training materials of the corps with the departments of education, environmental conservation and labor and the division for youth; and

v. The corps shall take advantage of the services available from the state university of New York, local community colleges and school boards and the University of New York.

5. The office may accept supplementary public and private funds to assist in meeting the costs of operating the corps.

6. The commissioner shall prepare an annual report on the corps and submit such report to the legislature.

7. The office shall promulgate such rules and regulations as are necessary and appropriate and shall establish the corps as a separate bureau within the office.

8. The commencement of the corps and other provisions under this section shall be contingent upon the availability of federal and/or state moneys appropriated for such purposes.