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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 69 Session of  
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INTRODUCED BY LANGERHOLC, MARTIN, AUMENT, STEFANO, J. WARD,  
ARNOLD, GORDNER, MENSCH, YAW, BAKER AND SANTARSIERO,  
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REFERRED TO LABOR AND INDUSTRY, JANUARY 20, 2021

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AN ACT

1 Establishing Recovery-to-work as a pilot program within the  
2 Department of Labor and Industry; and providing for local  
3 recovery-to-work pilot programs, for incentives to encourage  
4 business participation and for powers and duties of the  
5 Department of Labor and Industry.

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5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 CHAPTER 1

8 PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Recovery-to-  
11 work Act.

12 Section 102. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Board." A board established under section 101 of the  
17 Workforce Innovation and Opportunity Act (Public Law 113-128, 29  
18 U.S.C. § 3122).

19 "Business partner." A business entity authorized to do  
20 business in this Commonwealth.

21 "Department." The Department of Labor and Industry of the  
22 Commonwealth.

23 "Educational institution." The term includes:

24 (1) Postsecondary career and technical centers and  
25 colleges of technology accredited by the Department of  
26 Education.

27 (2) Community colleges as established under Article XIX-  
28 A of the act of March 10, 1949 (P.L.30, No.14), known as the  
29 Public School Code of 1949, or the act of August 24, 1963  
30 (P.L.1132, No.484), known as the Community College Act of

1 1963.

2 (3) Private licensed schools regulated under the act of  
3 December 15, 1986 (P.L.1585, No.174), known as the Private  
4 Licensed Schools Act.

5 "Individuals in recovery." Individuals diagnosed with and  
6 recovering from a drug or alcohol substance use disorder.

7 "Local pilot program." A local recovery-to-work pilot  
8 program under Chapter 3.

9 "Local workforce development board." A local workforce  
10 development board established in accordance with section 107 of  
11 the Workforce Innovation and Opportunity Act.

12 "Participating agencies." Include:

13 (1) The Department of Health of the Commonwealth.

14 (2) The Department of Community and Economic Development  
15 of the Commonwealth.

16 (3) The Department of Drug and Alcohol Programs of the  
17 Commonwealth.

18 (4) The Department of Human Services of the  
19 Commonwealth.

20 (5) The Department of Corrections of the Commonwealth.

21 (6) The Pennsylvania Board of Probation and Parole.

22 (7) The Pennsylvania Commission on Crime and  
23 Delinquency.

24 "Program partners." Entities that participate in a local  
25 recovery-to-work pilot program.

26 "Recovery-to-work." The program established in section  
27 301(a).

28 "Support services provider." An entity that provides drug  
29 and alcohol treatment or recovery supports.

30 CHAPTER 3

RECOVERY-TO-WORK

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Section 301. Program established.

(a) Establishment.--Recovery-to-work is established as a pilot program within the department.

(b) Funding sources.--To implement this act, the department may utilize any of the following:

(1) Money deposited in the Reemployment Fund.

(2) Existing money appropriated to the department, if the use of the money for Recovery-to-work is consistent with law.

(3) Money appropriated to any participating agency for Recovery-to-work.

(c) Notice.--Upon the initial appropriation of sufficient money to carry out the provisions of this act or a determination by the department that sufficient money is available from another existing source to carry out the provisions of this act, the department shall transmit notice of the appropriation to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(d) Administration.--Recovery-to-work shall be administered by the department to empower local workforce development boards, support services providers, business partners and participating agencies to collaboratively develop innovative local recovery-to-work pilot programs to do all the following:

(1) Provide individuals in recovery with career development opportunities and work experience.

(2) Provide individuals in recovery with employability and career readiness skill training as identified by the department in consultation with the Department of Education.

(3) Provide individuals in recovery with support

1 services for their continued recovery.

2 (4) Provide local workforce development boards with the  
3 funding necessary to support program partners and business  
4 partners implementing innovative local pilot programs.

5 (5) Provide program partners with informational  
6 resources to help them conduct successful local pilot  
7 programs.

8 (6) Seek to identify other funding sources, including  
9 Federal grants, which may support local pilot programs.

10 Section 302. Participation in Recovery-to-work.

11 (a) Eligibility.--A local workforce development board shall  
12 be eligible to apply for funding. The department shall establish  
13 priority workforce areas based on substance use and unemployment  
14 statistics.

15 (b) Guidelines.--The department, in consultation with  
16 participating agencies, shall develop guidelines that specify  
17 the requirements for participation in Recovery-to-work.

18 (c) Occupational focus.--Local recovery-to-work pilot  
19 programs must be focused on providing individuals in recovery  
20 with job training and work experience that will prepare  
21 individuals for continued success for job opportunities that  
22 exist in their local workforce development areas.

23 Section 303. Application and approval process.

24 (a) Application.--An eligible local workforce development  
25 board under section 302(a) may submit an application to the  
26 department requesting approval for participation in Recovery-to-  
27 work.

28 (b) Application requirements.--A completed application must  
29 describe the proposed local recovery-to-work pilot program in  
30 the form and manner prescribed by the department. An application

1 must include all of the following:

2 (1) A list of program partners, including participation  
3 by a support services provider and a declaration of interest  
4 by at least two business partners. The program partners may  
5 include educational institutions, nonprofit business-support  
6 entities, job seeker support entities and economic  
7 development agencies.

8 (2) A description of how the proposed local pilot  
9 program will meet the guidelines under section 302(b).

10 (3) A projection of costs associated with the proposed  
11 local pilot program, including an enumeration of  
12 opportunities to leverage other funding and programming  
13 resources.

14 (4) Information on occupations that will be the focus of  
15 the proposed local pilot program, including data on local  
16 demand.

17 (5) Information on industry-recognized credentials or  
18 certifications awarded to program participants upon  
19 completion.

20 (6) Documentation of interest by a business partner that  
21 plans to receive the incentive under section 701.

22 (7) A start date for the proposed local pilot program.

23 (8) A list of clear objectives and measurable goals that  
24 the proposed local pilot program will seek to achieve.

25 (9) Documentation of an agreement among the program  
26 partners describing the role of each program partner within  
27 the proposed local pilot program and the expectations that  
28 each program partner agrees to fulfill.

29 (c) Approval process.--

30 (1) The department, in consultation with participating

1 agencies and the board as needed, shall approve up to seven  
2 local recovery-to-work pilot programs for participation in  
3 Recovery-to-work in the first year after the effective date  
4 of this act.

5 (2) Priority must be given to a proposed local pilot  
6 program demonstrating one or more of the following  
7 characteristics:

8 (i) Substantial program integration across  
9 educational levels, including use of multiple components  
10 identified in the department guidelines under section  
11 302(b).

12 (ii) An ability to leverage other funding and  
13 programming resources.

14 (iii) A commitment from one or more business  
15 partners to provide preferred interviews to individuals  
16 completing the local pilot program.

17 (iv) Capability to provide exposure to high-priority  
18 or in-demand occupations as identified by the department.

19 (d) Contractual relationship.--Within 30 days of the  
20 completion of the approval process, the department shall enter  
21 into a contract with each local workforce development board  
22 approved for participation in Recovery-to-work. The contract  
23 shall require the signatories to provide the services described  
24 in the approved application from money appropriated or  
25 distributed for this purpose or from money identified by the  
26 participating agencies in accordance with section 301(d)(6).

27 (e) Termination and replacement.--The department, in  
28 consultation with participating agencies and the board as  
29 needed, may terminate a local recovery-to-work pilot program for  
30 failure to comply with program requirements. Consistent with the

1 process in subsection (c), a replacement local pilot program may  
2 be approved.

3 Section 304. Program operation.

4 (a) Cooperative management.--In collaboration with the  
5 participating agencies and the board, the department shall:

6 (1) Manage the operation of Recovery-to-work.

7 (2) Establish an application process.

8 (3) Enumerate outcome-based metrics by which local  
9 recovery-to-work pilot programs will be evaluated under  
10 chapter 9.

11 (4) Institute guidelines and procedures as necessary to  
12 implement Recovery-to-work. The guidelines must enumerate  
13 allowed and disallowed expenses and provide that  
14 administrative expenses over 5% shall be disallowed.

15 (b) Informational resources.--In collaboration with the  
16 participating agencies and the board, the department shall  
17 provide informational resources to help program partners conduct  
18 successful local recovery-to-work pilot programs.

19 (c) Distribution.--The department, in consultation with  
20 participating agencies and the board, as needed, shall determine  
21 the distribution of available money from money appropriated for  
22 the purposes of this act.

23 CHAPTER 7

24 INCENTIVES

25 Section 701. Business partner incentives.

26 (a) Eligibility.--Subject to the availability of funding  
27 under subsection (c), if, at the end of a training period, a  
28 business partner hires an individual for a job opening, the  
29 business partner is eligible to receive an incentive payment in  
30 the amount of \$1,250 after the individual remains employed an

1 average of 35 hours per week for 12 consecutive weeks.

2 (b) Application.--A business partner may apply for an  
3 incentive payment under subsection (a). The application form  
4 shall be prescribed and furnished by the department and bear the  
5 notarized signature of the applicant.

6 (c) Funding.--

7 (1) Incentive payments under subsection (a) shall be  
8 paid from money appropriated for payment.

9 (2) Fifteen percent of the total amount of money  
10 authorized for a fiscal year shall be reserved for business  
11 partners with fewer than 100 employees. If the reserved  
12 amount is not committed by April 30 of each year, the  
13 reserved amount shall be available to business partners that  
14 have at least 100 employees.

15 (d) Penalty.--A business partner that falsifies an  
16 application for an incentive payment shall be required to refund  
17 the department the total amount of the incentive payment  
18 awarded.

## 19 CHAPTER 9

### 20 PERFORMANCE EVALUATION AND REPORTING

21 Section 901. Performance evaluation system.

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

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

26 (i) Skill training being received by individuals.

27 (ii) Challenges foreseen by business partners.

28 (iii) Local recovery-to-work pilot program best  
29 practices.

30 (iv) Retention rate of individuals employed as a

1 result of a local pilot program.

2 (2) Defines the benefits of Recovery-to-work and its  
3 effects on business partners and individuals in recovery.

4 Section 902. Annual report.

5 Within 60 days of the end of a fiscal year in which a local  
6 recovery-to-work pilot program is in operation, the department,  
7 participating agencies and the board shall jointly submit a  
8 report regarding the implementation of Recovery-to-work and the  
9 local pilot programs over the previous fiscal year to the  
10 following:

11 (1) The Governor.

12 (2) The Auditor General.

13 (3) The chairperson and minority chairperson of the  
14 Appropriations Committee of the Senate.

15 (4) The chairperson and minority chairperson of the  
16 Appropriations Committee of the House of Representatives.

17 (5) The chairperson and minority chairperson of the  
18 Education Committee of the Senate.

19 (6) The chairperson and minority chairperson of the  
20 Education Committee of the House of Representatives.

21 (7) The chairperson and minority chairperson of the  
22 Labor and Industry Committee of the Senate.

23 (8) The chairperson and minority chairperson of the  
24 Labor and Industry Committee of the House of Representatives.

25 Section 903. Final report.

26 Within six months of the expiration of local recovery-to-work  
27 pilot programs, the department, participating agencies and the  
28 board shall jointly submit a report regarding the implementation  
29 of Recovery-to-work and the local pilot programs to the  
30 following:

1 (1) The Governor.

2 (2) The Auditor General.

3 (3) The chairperson and minority chairperson of the  
4 Appropriations Committee of the Senate.

5 (4) The chairperson and minority chairperson of the  
6 Appropriations Committee of the House of Representatives.

7 (5) The chairperson and minority chairperson of the  
8 Education Committee of the Senate.

9 (6) The chairperson and minority chairperson of the  
10 Education Committee of the House of Representatives.

11 (7) The chairperson and minority chairperson of the  
12 Labor and Industry Committee of the Senate.

13 (8) The chairperson and minority chairperson of the  
14 Labor and Industry Committee of the House of Representatives.

15 Section 904. Report contents.

16 (a) General rule.--In addition to information or analysis  
17 required by the department, in consultation with participating  
18 agencies and the board, as needed, the interim and final reports  
19 must include information about each local recovery-to-work pilot  
20 program, including whether:

21 (1) The local pilot program achieved the clear  
22 objectives and measurable goals proposed under section 303(b)  
23 (8).

24 (2) An analysis of each local pilot program according to  
25 the outcome-based metrics enumerated by the department under  
26 section 304(a)(3).

27 (3) The number of participating individuals in recovery.

28 (4) The amount expended.

29 (b) Best practices.--The reports must identify best  
30 practices observed from among the most successful local

1 recovery-to-work pilot programs.

2 CHAPTER 21

3 MISCELLANEOUS PROVISIONS

4 Section 2101. Effective date.

5 This act shall take effect immediately.