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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 118 Session of  
2019

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INTRODUCED BY LANGERHOLC, SCARNATI, BARTOLOTTA, BREWSTER, YAW,  
STEFANO, MENSCH, SCHWANK, GORDNER, BROWNE, J. WARD, AUMENT,  
WHITE AND BAKER, JANUARY 31, 2019

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REFERRED TO LABOR AND INDUSTRY, JANUARY 31, 2019

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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.

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

8 CHAPTER 1

9 PRELIMINARY PROVISIONS

10 Section 101. Short title.

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

13 Section 102. Definitions.

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

17 "Board." The Pennsylvania Workforce Investment Board.

18 "Business partner." A business entity authorized to do  
19 business in this Commonwealth that employs individuals in a

1 high-priority occupation.

2 "Department." The Department of Labor and Industry of the  
3 Commonwealth.

4 "Educational institution." Includes:

5 (1) Postsecondary career and technical centers and  
6 colleges of technology accredited by the Department of  
7 Education.

8 (2) Community colleges as established under Article XIX-  
9 A of the act of March 10, 1949 (P.L.30, No.14), known as the  
10 Public School Code of 1949, or the act of August 24, 1963  
11 (P.L.1132, No.484), known as the Community College Act of  
12 1963.

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

16 "High-priority occupation." An occupation which is included  
17 in the list issued by the department under section 1302(e) of  
18 the Workforce Development Act.

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

21 "Local pilot program." A local recovery-to-work pilot  
22 program under Chapter 3.

23 "Local workforce investment board." As defined in section  
24 103 of the Workforce Development Act.

25 "Participating agencies." Include:

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

27 (2) The Department of Community and Economic Development  
28 of the Commonwealth.

29 (3) The Department of Drug and Alcohol Programs of the  
30 Commonwealth.

1 (4) The Department of Human Services of the  
2 Commonwealth.

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

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

5 (7) The Pennsylvania Commission on Crime and  
6 Delinquency.

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

9 "Recovery-to-work." The program established in section  
10 301(a).

11 "Soft skills." The workplace interpersonal and professional  
12 skills that are necessary for an employee to adhere to generally  
13 accepted workplace behaviors. The term includes work ethic,  
14 promptness, integrity and respect for others.

15 "Workforce Development Act." The act of December 18, 2001  
16 (P.L.949, No.114), known as the Workforce Development Act.

17 CHAPTER 3

18 RECOVERY-TO-WORK

19 Section 301. Program established.

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

22 (b) Funding.--No less than \$3,000,000 of the amount  
23 deposited into the Reemployment Fund under section 1727-E(c) of  
24 the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal  
25 Code, shall be used by the department for purposes of funding  
26 Recovery-to-work.

27 (c) Administration.--Recovery-to-work shall be administered  
28 by the department to empower local workforce investment boards,  
29 business partners and participating agencies to collaboratively  
30 develop innovative local recovery-to-work pilot programs to do

1 all the following:

2 (1) Provide individuals in recovery with career  
3 development opportunities and exposure to high-priority  
4 occupations or in-demand occupations that have a connection  
5 to a high-priority occupation.

6 (2) Provide individuals in recovery with interview and  
7 soft skills development and training.

8 (3) Provide local workforce investment boards with the  
9 funding necessary to support program partners and business  
10 partners implementing innovative local pilot programs.

11 (4) Provide program partners with informational  
12 resources to help them conduct successful local pilot  
13 programs.

14 (5) Seek to identify other funding sources, including  
15 Federal grants, which may support local pilot programs.

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

17 (a) Eligibility.--A local workforce investment board which  
18 includes a county rated in the highest 25% of drug-related  
19 overdose deaths per 100,000 people as determined by the 2016  
20 Joint Intelligence Report prepared by the Drug Enforcement  
21 Agency, Philadelphia Division, and the University of Pittsburgh  
22 is eligible to participate in Recovery-to-work.

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

26 (c) Occupational focus.--Local recovery-to-work pilot  
27 programs must be focused on providing individuals in recovery  
28 with exposure to high-priority occupations which are either  
29 designated as high-priority occupations Statewide or within the  
30 region served by the local workforce investment board or in-

1 demand occupations that have a connection to a high-priority  
2 occupation.

3 Section 303. Application and approval process.

4 (a) Application.--An eligible local workforce investment  
5 board under section 302(a) may submit an application to the  
6 department requesting approval for participation in Recovery-to-  
7 work.

8 (b) Application requirements.--A completed application must  
9 describe the proposed local recovery-to-work pilot program in  
10 the form and manner prescribed by the department. An application  
11 must include all of the following:

12 (1) A list of program partners, including a declaration  
13 of interest by at least two business partners. The program  
14 partners may include educational institutions, nonprofit  
15 business-support entities, job seeker support entities and  
16 economic development agencies.

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

19 (3) A projection of costs associated with the proposed  
20 local pilot program, including an enumeration of  
21 opportunities to leverage other funding and programming  
22 resources.

23 (4) A list of high-priority occupations or in-demand  
24 occupations that have a connection to a high-priority  
25 occupation which will be the focus of the proposed local  
26 pilot program.

27 (5) Documentation of interest by a business partner that  
28 plans to receive the incentive under section 701.

29 (6) A start date for the proposed local pilot program.

30 (7) A list of clear objectives and measurable goals that

1 the proposed local pilot program will seek to achieve.

2 (8) Documentation of an agreement among the program  
3 partners describing the role of each program partner within  
4 the proposed local pilot program and the expectations that  
5 each program partner agrees to fulfill.

6 (c) Approval process.--

7 (1) The department, in consultation with participating  
8 agencies and the board as needed, shall approve up to seven  
9 local recovery-to-work pilot programs for participation in  
10 Recovery-to-work in the first year after the effective date  
11 of this act.

12 (2) Priority must be given to a proposed local pilot  
13 program demonstrating one or more of the following  
14 characteristics:

15 (i) Substantial program integration across  
16 educational levels, including use of multiple components  
17 identified in the department guidelines under section  
18 302(b).

19 (ii) An ability to leverage other funding and  
20 programming resources.

21 (iii) A commitment from one or more business  
22 partners to provide preferred interviews to individuals  
23 completing the local pilot program.

24 (d) Contractual relationship.--Within 30 days of the  
25 completion of the approval process, the department shall enter  
26 into a contract with each local workforce investment board  
27 approved for participation in Recovery-to-work. The contract  
28 shall require the signatories to provide the services described  
29 in the approved application from funds appropriated or  
30 distributed for this purpose or from funds identified by the

1 participating agencies in accordance with section 301(c)(5).

2 (e) Termination and replacement.--The department, in  
3 consultation with participating agencies and the board as  
4 needed, may terminate a local recovery-to-work pilot program for  
5 failure to comply with program requirements. Consistent with the  
6 process in subsection (c), a replacement local pilot program may  
7 be approved.

8 Section 304. Program operation.

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

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

12 (2) Establish an application process.

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

16 (4) Institute guidelines and procedures as necessary to  
17 implement Recovery-to-work. The guidelines must enumerate  
18 allowed and disallowed expenses and provide that  
19 administrative expenses over 5% shall be disallowed.

20 (b) Informational resources.--In collaboration with the  
21 participating agencies and the board, the department shall  
22 provide informational resources to help program partners conduct  
23 successful local recovery-to-work pilot programs.

24 (c) Distribution.--The department, in consultation with  
25 participating agencies and the board, as needed, shall determine  
26 the distribution of available funds from money appropriated for  
27 the purposes of this act.

28 CHAPTER 7

29 INCENTIVES

30 Section 701. Business partner incentives.

1 (a) Eligibility.--Subject to the availability of funding  
2 under subsection (b), if, at the end of a training period, a  
3 business partner hires an individual for a job opening, the  
4 business partner is eligible to receive an incentive payment in  
5 the amount of \$1,250 after the individual remains employed an  
6 average of 35 hours per week for 12 consecutive weeks.

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

11 (c) Funding.--

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

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

20 (d) Penalty.--A business partner that falsifies an  
21 application for an incentive payment shall be required to refund  
22 the department the total amount of the incentive payment  
23 awarded.

## 24 CHAPTER 9

### 25 PERFORMANCE EVALUATION AND REPORTING

26 Section 901. Performance evaluation system.

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

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

1 (i) Skill training being received by individuals.

2 (ii) Challenges foreseen by business partners.

3 (iii) Local recovery-to-work pilot program best  
4 practices.

5 (iv) Retention rate of individuals employed as a  
6 result of a local pilot program.

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

9 Section 902. Annual report.

10 Within 60 days of the end of a fiscal year in which a local  
11 recovery-to-work pilot program is in operation, the department,  
12 participating agencies and the board shall jointly submit a  
13 report regarding the implementation of Recovery-to-work and the  
14 local pilot programs over the previous fiscal year to the  
15 following:

16 (1) The Governor.

17 (2) The Auditor General.

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

20 (4) The chairperson and minority chairperson of the  
21 Education Committee of the Senate.

22 (5) The chairperson and minority chairperson of the  
23 Labor and Industry Committee of the Senate.

24 (6) The chairperson and minority chairperson of the  
25 Appropriations Committee of the House of Representatives.

26 (7) The chairperson and minority chairperson of the  
27 Education Committee of the House of Representatives.

28 (8) The chairperson and minority chairperson of the  
29 Labor and Industry Committee of the House of Representatives.

30 Section 903. Final report.

1        Within six months of the expiration of local recovery-to-work  
2 pilot programs, the department, participating agencies and the  
3 board shall jointly submit a report regarding the implementation  
4 of Recovery-to-work and the local pilot programs to the  
5 following:

6            (1) The Governor.

7            (2) The Auditor General.

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

10           (4) The chairperson and minority chairperson of the  
11 Education Committee of the Senate.

12           (5) The chairperson and minority chairperson of the  
13 Labor and Industry Committee of the Senate.

14           (6) The chairperson and minority chairperson of the  
15 Appropriations Committee of the House of Representatives.

16           (7) The chairperson and minority chairperson of the  
17 Education Committee of the House of Representatives.

18           (8) The chairperson and minority chairperson of the  
19 Labor and Industry Committee of the House of Representatives.

20 Section 904. Report contents.

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

26           (1) The local pilot program achieved the clear  
27 objectives and measurable goals proposed under section 303(b)  
28 (7).

29           (2) An analysis of each local pilot program according to  
30 the outcome-based metrics enumerated by the department under

1 section 304(a)(3).

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

3 (4) The amount expended.

4 (b) Best practices.--The reports must identify best  
5 practices observed from among the most successful local  
6 recovery-to-work pilot programs.

7 CHAPTER 21

8 MISCELLANEOUS PROVISIONS

9 Section 2101. Effective date.

10 This act shall take effect immediately.