

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 118 Session of 2019

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

SENATOR BARTOLOTTA, LABOR AND INDUSTRY, AS AMENDED, MAY 7, 2019

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.~~ AS THE <--
18 TERM "BOARD" IS DEFINED IN SECTION 103 OF THE WORKFORCE
19 DEVELOPMENT ACT.

1 "Business partner." A business entity authorized to do
2 business in this Commonwealth ~~that employs individuals in a~~ <--
3 ~~high priority occupation.~~

4 "Department." The Department of Labor and Industry of the
5 Commonwealth.

6 "Educational institution." Includes:

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

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

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

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

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

23 "Local pilot program." A local recovery-to-work pilot
24 program under Chapter 3.

25 ~~"Local workforce investment board." As defined in section~~ <--
26 ~~103 of the Workforce Development Act.~~

27 "LOCAL WORKFORCE DEVELOPMENT BOARD." A LOCAL WORKFORCE <--
28 DEVELOPMENT BOARD ESTABLISHED IN ACCORDANCE WITH SECTION 107 OF
29 THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (PUBLIC LAW 113-
30 128, 29 U.S.C. § 3122).

1 "Participating agencies." Include:

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

3 (2) The Department of Community and Economic Development
4 of the Commonwealth.

5 (3) The Department of Drug and Alcohol Programs of the
6 Commonwealth.

7 (4) The Department of Human Services of the
8 Commonwealth.

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

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

11 (7) The Pennsylvania Commission on Crime and
12 Delinquency.

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

15 "Recovery-to-work." The program established in section
16 301(a).

17 ~~"Soft skills." The workplace interpersonal and professional <--~~
18 ~~skills that are necessary for an employee to adhere to generally~~
19 ~~accepted workplace behaviors. The term includes work ethic,~~
20 ~~promptness, integrity and respect for others.~~

21 "SUPPORT SERVICES PROVIDER." AN ENTITY QUALIFIED TO PROVIDE <--
22 CASE MANAGEMENT SERVICES TO INDIVIDUALS IN RECOVERY.

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

25 CHAPTER 3

26 RECOVERY-TO-WORK

27 Section 301. Program established.

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

30 (b) ~~Funding. No less than \$3,000,000 of the amount <--~~

1 ~~deposited into the Reemployment Fund under section 1727-E(e) of~~
2 ~~the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal~~
3 ~~Code, shall be used by the department for purposes of funding~~
4 ~~Recovery to work.~~ FUNDING SOURCES.--TO IMPLEMENT THIS ACT, THE <--
5 DEPARTMENT MAY UTILIZE ANY OF THE FOLLOWING:

6 (1) FUNDS DEPOSITED IN THE REEMPLOYMENT FUND.

7 (2) EXISTING FUNDS APPROPRIATED TO THE DEPARTMENT, IF
8 THE USE OF THE FUNDS FOR RECOVERY-TO-WORK IS CONSISTENT WITH
9 LAW.

10 (3) FUNDS APPROPRIATED TO ANY PARTICIPATING AGENCY FOR
11 RECOVERY-TO-WORK.

12 (C) NOTICE.--UPON THE INITIAL APPROPRIATION OF SUFFICIENT
13 FUNDS TO CARRY OUT THE PROVISIONS OF THIS ACT OR A DETERMINATION
14 BY THE DEPARTMENT THAT SUFFICIENT FUNDS ARE AVAILABLE FROM
15 ANOTHER EXISTING SOURCE TO CARRY OUT THE PROVISIONS OF THIS ACT,
16 THE DEPARTMENT SHALL TRANSMIT NOTICE OF THE APPROPRIATION TO THE
17 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA
18 BULLETIN.

19 ~~(e)~~ (D) Administration.--Recovery-to-work shall be <--
20 administered by the department to empower local workforce
21 ~~investment~~ DEVELOPMENT boards, SUPPORT SERVICES PROVIDERS, <--
22 business partners and participating agencies to collaboratively
23 develop innovative local recovery-to-work pilot programs to do
24 all the following:

25 (1) Provide individuals in recovery with career
26 development opportunities and ~~exposure to high priority~~ <--
27 ~~occupations or in demand occupations that have a connection~~
28 ~~to a high priority occupation~~ WORK EXPERIENCE. <--

29 (2) Provide individuals in recovery with ~~interview and~~ <--
30 ~~soft skills development and training.~~ EMPLOYABILITY AND <--

1 CAREER READINESS SKILL TRAINING AS IDENTIFIED BY THE
2 DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION.

3 (3) PROVIDE INDIVIDUALS IN RECOVERY WITH SUPPORT
4 SERVICES FOR THEIR CONTINUED RECOVERY.

5 ~~(3)~~ (4) Provide local workforce ~~investment~~ DEVELOPMENT <--
6 boards with the funding necessary to support program partners
7 and business partners implementing innovative local pilot
8 programs.

9 ~~(4)~~ (5) Provide program partners with informational <--
10 resources to help them conduct successful local pilot
11 programs.

12 ~~(5)~~ (6) Seek to identify other funding sources, <--
13 including Federal grants, which may support local pilot
14 programs.

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

16 (a) Eligibility.--A local workforce ~~investment board which~~ <--
17 ~~includes~~ DEVELOPMENT BOARD SHALL BE ELIGIBLE TO APPLY FOR <--
18 FUNDING. PRIORITY SHALL BE GIVEN TO LOCAL WORKFORCE DEVELOPMENT
19 AREAS THAT INCLUDE a county rated in the highest 25% of drug-
20 related overdose deaths per 100,000 people as determined by the
21 2016 Joint Intelligence Report prepared by the Drug Enforcement
22 Agency ADMINISTRATION, Philadelphia Division, and the University <--
23 of Pittsburgh is eligible to participate in Recovery-to-work.

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

27 (c) Occupational focus.--Local recovery-to-work pilot
28 programs must be focused on providing individuals in recovery
29 with ~~exposure to high priority occupations which are either~~ <--
30 ~~designated as high priority occupations Statewide or within the~~

1 ~~region served by the local workforce investment board or in-~~
2 ~~demand occupations that have a connection to a high priority-~~
3 ~~occupation.~~ JOB TRAINING AND WORK EXPERIENCE THAT WILL PREPARE <--
4 INDIVIDUALS FOR CONTINUED SUCCESS FOR JOB OPPORTUNITIES THAT
5 EXIST IN THEIR LOCAL WORKFORCE DEVELOPMENT AREAS.

6 Section 303. Application and approval process.

7 (a) Application.--An eligible local workforce ~~investment~~ <--
8 DEVELOPMENT board under section 302(a) may submit an application <--
9 to the department requesting approval for participation in
10 Recovery-to-work.

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

15 (1) A list of program partners, including PARTICIPATION <--
16 BY A SUPPORT SERVICES PROVIDER AND a declaration of interest
17 by at least two business partners. The program partners may
18 include educational institutions, nonprofit business-support
19 entities, job seeker support entities and economic
20 development agencies.

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

23 (3) A projection of costs associated with the proposed
24 local pilot program, including an enumeration of
25 opportunities to leverage other funding and programming
26 resources.

27 ~~(4) A list of high priority occupations or in demand~~ <--
28 ~~occupations that have a connection to a high priority-~~
29 ~~occupation which will be the focus of the proposed local-~~
30 ~~pilot program.~~

1 (4) INFORMATION ON OCCUPATIONS THAT WILL BE THE FOCUS OF <--
2 THE PROPOSED LOCAL PILOT PROGRAM, INCLUDING DATA ON LOCAL
3 DEMAND.

4 (5) INFORMATION ON INDUSTRY-RECOGNIZED CREDENTIALS OR
5 CERTIFICATIONS AWARDED TO PROGRAM PARTICIPANTS UPON
6 COMPLETION.

7 ~~(5)~~ (6) Documentation of interest by a business partner <--
8 that plans to receive the incentive under section 701.

9 ~~(6)~~ (7) A start date for the proposed local pilot <--
10 program.

11 ~~(7)~~ (8) A list of clear objectives and measurable goals <--
12 that the proposed local pilot program will seek to achieve.

13 ~~(8)~~ (9) Documentation of an agreement among the program <--
14 partners describing the role of each program partner within
15 the proposed local pilot program and the expectations that
16 each program partner agrees to fulfill.

17 (c) Approval process.--

18 (1) The department, in consultation with participating
19 agencies and the board as needed, shall approve up to seven
20 local recovery-to-work pilot programs for participation in
21 Recovery-to-work in the first year after the effective date
22 of this act.

23 (2) Priority must be given to a proposed local pilot
24 program demonstrating one or more of the following
25 characteristics:

26 (i) Substantial program integration across
27 educational levels, including use of multiple components
28 identified in the department guidelines under section
29 302(b).

30 (ii) An ability to leverage other funding and

1 programming resources.

2 (iii) A commitment from one or more business
3 partners to provide preferred interviews to individuals
4 completing the local pilot program.

5 (IV) CAPABILITY TO PROVIDE EXPOSURE TO HIGH-PRIORITY <--
6 OR IN-DEMAND OCCUPATIONS AS IDENTIFIED BY THE DEPARTMENT.

7 (d) Contractual relationship.--Within 30 days of the
8 completion of the approval process, the department shall enter
9 into a contract with each local workforce ~~investment~~ DEVELOPMENT <--
10 board approved for participation in Recovery-to-work. The
11 contract shall require the signatories to provide the services
12 described in the approved application from funds appropriated or
13 distributed for this purpose or from funds identified by the
14 participating agencies in accordance with section ~~301(e)(5)~~ <--
15 301(D)(6). <--

16 (e) Termination and replacement.--The department, in
17 consultation with participating agencies and the board as
18 needed, may terminate a local recovery-to-work pilot program for
19 failure to comply with program requirements. Consistent with the
20 process in subsection (c), a replacement local pilot program may
21 be approved.

22 Section 304. Program operation.

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

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

26 (2) Establish an application process.

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

30 (4) Institute guidelines and procedures as necessary to

1 implement Recovery-to-work. The guidelines must enumerate
2 allowed and disallowed expenses and provide that
3 administrative expenses over 5% shall be disallowed.

4 (b) Informational resources.--In collaboration with the
5 participating agencies and the board, the department shall
6 provide informational resources to help program partners conduct
7 successful local recovery-to-work pilot programs.

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

12 CHAPTER 7

13 INCENTIVES

14 Section 701. Business partner incentives.

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

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

25 (c) Funding.--

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

28 (2) Fifteen percent of the total amount of money
29 authorized for a fiscal year shall be reserved for business
30 partners with fewer than 100 employees. If the reserved

1 amount is not committed by April 30 of each year, the
2 reserved amount shall be available to business partners that
3 have at least 100 employees.

4 (d) Penalty.--A business partner that falsifies an
5 application for an incentive payment shall be required to refund
6 the department the total amount of the incentive payment
7 awarded.

8 CHAPTER 9

9 PERFORMANCE EVALUATION AND REPORTING

10 Section 901. Performance evaluation system.

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

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

15 (i) Skill training being received by individuals.

16 (ii) Challenges foreseen by business partners.

17 (iii) Local recovery-to-work pilot program best
18 practices.

19 (iv) Retention rate of individuals employed as a
20 result of a local pilot program.

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

23 Section 902. Annual report.

24 Within 60 days of the end of a fiscal year in which a local
25 recovery-to-work pilot program is in operation, the department,
26 participating agencies and the board shall jointly submit a
27 report regarding the implementation of Recovery-to-work and the
28 local pilot programs over the previous fiscal year to the
29 following:

30 (1) The Governor.

1 (2) The Auditor General.

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

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

6 (5) The chairperson and minority chairperson of the
7 Labor and Industry Committee of the Senate.

8 (6) The chairperson and minority chairperson of the
9 Appropriations Committee of the House of Representatives.

10 (7) The chairperson and minority chairperson of the
11 Education Committee of the House of Representatives.

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

14 Section 903. Final report.

15 Within six months of the expiration of local recovery-to-work
16 pilot programs, the department, participating agencies and the
17 board shall jointly submit a report regarding the implementation
18 of Recovery-to-work and the local pilot programs to the
19 following:

20 (1) The Governor.

21 (2) The Auditor General.

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

24 (4) The chairperson and minority chairperson of the
25 Education Committee of the Senate.

26 (5) The chairperson and minority chairperson of the
27 Labor and Industry Committee of the Senate.

28 (6) The chairperson and minority chairperson of the
29 Appropriations Committee of the House of Representatives.

30 (7) The chairperson and minority chairperson of the

1 Education Committee of the House of Representatives.

2 (8) The chairperson and minority chairperson of the
3 Labor and Industry Committee of the House of Representatives.
4 Section 904. Report contents.

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

10 (1) The local pilot program achieved the clear
11 objectives and measurable goals proposed under section ~~303(b)~~ <--
12 ~~(7)~~ 303(B) (8). <--

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

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

17 (4) The amount expended.

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

21 CHAPTER 21

22 MISCELLANEOUS PROVISIONS

23 Section 2101. Effective date.

24 This act shall take effect immediately.