

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

1 DEVELOPMENT ACT.

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

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

7 "Educational institution." Includes:

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

11 (2) Community colleges as established under Article XIX-  
12 A of the act of March 10, 1949 (P.L.30, No.14), known as the  
13 Public School Code of 1949, or the act of August 24, 1963  
14 (P.L.1132, No.484), known as the Community College Act of  
15 1963.

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

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

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

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

26 ~~"Local workforce investment board." As defined in section~~ <--  
27 ~~103 of the Workforce Development Act.~~

28 "LOCAL WORKFORCE DEVELOPMENT BOARD." A LOCAL WORKFORCE <--  
29 DEVELOPMENT BOARD ESTABLISHED IN ACCORDANCE WITH SECTION 107 OF  
30 THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (PUBLIC LAW 113-

1 128, 29 U.S.C. § 3122).

2 "Participating agencies." Include:

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

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

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

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

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

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

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

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

16 "Recovery-to-work." The program established in section  
17 301(a).

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

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

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

26 CHAPTER 3

27 RECOVERY-TO-WORK

28 Section 301. Program established.

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

1 (b) ~~Funding. No less than \$3,000,000 of the amount~~ <--  
2 ~~deposited into the Reemployment Fund under section 1727 E(c) of~~  
3 ~~the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal~~  
4 ~~Code, shall be used by the department for purposes of funding~~

5 ~~Recovery to work.~~ FUNDING SOURCES.--TO IMPLEMENT THIS ACT, THE <--  
6 DEPARTMENT MAY UTILIZE ANY OF THE FOLLOWING:

7 (1) FUNDS DEPOSITED IN THE REEMPLOYMENT FUND.

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

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

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

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

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

30 (2) Provide individuals in recovery with ~~interview and~~ <--

1 ~~soft skills development and training.~~ EMPLOYABILITY AND <--  
2 CAREER READINESS SKILL TRAINING AS IDENTIFIED BY THE  
3 DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION.

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

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

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

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

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

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

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

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

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

7 Section 303. Application and approval process.

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

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

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

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

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

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

1 ~~pilot program.~~

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

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

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

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

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

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

18 (c) Approval process.--

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

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

27 (i) Substantial program integration across  
28 educational levels, including use of multiple components  
29 identified in the department guidelines under section  
30 302(b).

1 (ii) An ability to leverage other funding and  
2 programming resources.

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

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

8 (d) Contractual relationship.--Within 30 days of the  
9 completion of the approval process, the department shall enter  
10 into a contract with each local workforce ~~investment~~ DEVELOPMENT <--  
11 board approved for participation in Recovery-to-work. The  
12 contract shall require the signatories to provide the services  
13 described in the approved application from funds appropriated or  
14 distributed for this purpose or from funds identified by the  
15 participating agencies in accordance with section ~~301(e)(5)~~ <--  
16 301(D)(6). <--

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

23 Section 304. Program operation.

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

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

27 (2) Establish an application process.

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



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

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

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

13 CHAPTER 7

14 INCENTIVES

15 Section 701. Business partner incentives.

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

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

26 (c) Funding.--

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

29 (2) Fifteen percent of the total amount of money  
30 authorized for a fiscal year shall be reserved for business

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

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

## 9 CHAPTER 9

### 10 PERFORMANCE EVALUATION AND REPORTING

11 Section 901. Performance evaluation system.

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

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

16 (i) Skill training being received by individuals.

17 (ii) Challenges foreseen by business partners.

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

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

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

24 Section 902. Annual report.

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

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

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

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

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

15 Section 903. Final report.

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

21 (1) The Governor.

22 (2) The Auditor General.

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

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

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

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

