

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 118 Session of 2019

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

AS AMENDED ON THIRD CONSIDERATION, JUNE 17, 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." ~~As the term "board" is defined in section 103 of~~ <--
18 ~~the Workforce Development Act.~~ A BOARD ESTABLISHED UNDER SECTION <--
19 101 OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (PUBLIC LAW

1 113-128, 29 U.S.C. § 3122).

2 "Business partner." A business entity authorized to do
3 business in this Commonwealth.

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

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

22 "Local workforce development board." A local workforce
23 development board established in accordance with section 107 of
24 the Workforce Innovation and Opportunity Act ~~(Public Law 113-~~ <--
25 ~~128, 29 U.S.C. § 3122).~~

26 "Participating agencies." Include:

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

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

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

1 Commonwealth.

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

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

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

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

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

10 "Recovery-to-work." The program established in section
11 301(a).

12 "Support services provider." An entity ~~qualified to provide~~ <--
13 ~~case management services to individuals in recovery~~ THAT <--
14 PROVIDES DRUG AND ALCOHOL TREATMENT OR RECOVERY SUPPORTS.

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 sources.--To implement this act, the department
23 may utilize any of the following:

24 (1) Funds deposited in the Reemployment Fund.

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

28 (3) Funds appropriated to any participating agency for
29 Recovery-to-work.

30 (c) Notice.--Upon the initial appropriation of sufficient

1 funds to carry out the provisions of this act or a determination
2 by the department that sufficient funds are available from
3 another existing source to carry out the provisions of this act,
4 the department shall transmit notice of the appropriation to the
5 Legislative Reference Bureau for publication in the Pennsylvania
6 Bulletin.

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

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

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

17 (3) Provide individuals in recovery with support
18 services for their continued recovery.

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

22 (5) Provide program partners with informational
23 resources to help them conduct successful local pilot
24 programs.

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

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

28 (a) Eligibility.--A local workforce development board shall
29 be eligible to apply for funding. ~~Priority shall be given to~~ <--
30 ~~local workforce development areas that include a county rated in~~

1 ~~the highest 25% of drug related overdose deaths per 100,000~~
2 ~~people as determined by the 2016 Joint Intelligence Report~~
3 ~~prepared by the Drug Enforcement Administration, Philadelphia~~
4 ~~Division, and the University of Pittsburgh is eligible to~~
5 ~~participate in Recovery to work.~~ THE DEPARTMENT SHALL ESTABLISH <--
6 PRIORITY WORKFORCE AREAS BASED ON SUBSTANCE USE AND UNEMPLOYMENT
7 STATISTICS.

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

11 (c) Occupational focus.--Local recovery-to-work pilot
12 programs must be focused on providing individuals in recovery
13 with job training and work experience that will prepare
14 individuals for continued success for job opportunities that
15 exist in their local workforce development areas.

16 Section 303. Application and approval process.

17 (a) Application.--An eligible local workforce development
18 board under section 302(a) may submit an application to the
19 department requesting approval for participation in Recovery-to-
20 work.

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

25 (1) A list of program partners, including participation
26 by a support services provider and a declaration of interest
27 by at least two business partners. The program partners may
28 include educational institutions, nonprofit business-support
29 entities, job seeker support entities and economic
30 development agencies.

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

3 (3) A projection of costs associated with the proposed
4 local pilot program, including an enumeration of
5 opportunities to leverage other funding and programming
6 resources.

7 (4) Information on occupations that will be the focus of
8 the proposed local pilot program, including data on local
9 demand.

10 (5) Information on industry-recognized credentials or
11 certifications awarded to program participants upon
12 completion.

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

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

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

18 (9) Documentation of an agreement among the program
19 partners describing the role of each program partner within
20 the proposed local pilot program and the expectations that
21 each program partner agrees to fulfill.

22 (c) Approval process.--

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

28 (2) Priority must be given to a proposed local pilot
29 program demonstrating one or more of the following
30 characteristics:

1 (i) Substantial program integration across
2 educational levels, including use of multiple components
3 identified in the department guidelines under section
4 302(b).

5 (ii) An ability to leverage other funding and
6 programming resources.

7 (iii) A commitment from one or more business
8 partners to provide preferred interviews to individuals
9 completing the local pilot program.

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

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

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

26 Section 304. Program operation.

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

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

30 (2) Establish an application process.

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

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

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

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

16 CHAPTER 7

17 INCENTIVES

18 Section 701. Business partner incentives.

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

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

29 (c) Funding.--

30 (1) Incentive payments under subsection (a) shall be

1 paid from money appropriated for payment.

2 (2) Fifteen percent of the total amount of money
3 authorized for a fiscal year shall be reserved for business
4 partners with fewer than 100 employees. If the reserved
5 amount is not committed by April 30 of each year, the
6 reserved amount shall be available to business partners that
7 have at least 100 employees.

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

12 CHAPTER 9

13 PERFORMANCE EVALUATION AND REPORTING

14 Section 901. Performance evaluation system.

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

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

19 (i) Skill training being received by individuals.

20 (ii) Challenges foreseen by business partners.

21 (iii) Local recovery-to-work pilot program best
22 practices.

23 (iv) Retention rate of individuals employed as a
24 result of a local pilot program.

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

27 Section 902. Annual report.

28 Within 60 days of the end of a fiscal year in which a local
29 recovery-to-work pilot program is in operation, the department,
30 participating agencies and the board shall jointly submit a

1 report regarding the implementation of Recovery-to-work and the
2 local pilot programs over the previous fiscal year to the
3 following:

4 (1) The Governor.

5 (2) The Auditor General.

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

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

10 (5) The chairperson and minority chairperson of the
11 Labor and Industry Committee of the Senate.

12 (6) The chairperson and minority chairperson of the
13 Appropriations Committee of the House of Representatives.

14 (7) The chairperson and minority chairperson of the
15 Education Committee of the House of Representatives.

16 (8) The chairperson and minority chairperson of the
17 Labor and Industry Committee of the House of Representatives.

18 Section 903. Final report.

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

24 (1) The Governor.

25 (2) The Auditor General.

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

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

30 (5) The chairperson and minority chairperson of the

1 Labor and Industry Committee of the Senate.

2 (6) The chairperson and minority chairperson of the
3 Appropriations Committee of the House of Representatives.

4 (7) The chairperson and minority chairperson of the
5 Education Committee of the House of Representatives.

6 (8) The chairperson and minority chairperson of the
7 Labor and Industry Committee of the House of Representatives.

8 Section 904. Report contents.

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

14 (1) The local pilot program achieved the clear
15 objectives and measurable goals proposed under section 303(b)
16 (8).

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

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

21 (4) The amount expended.

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

25 CHAPTER 21

26 MISCELLANEOUS PROVISIONS

27 Section 2101. Effective date.

28 This act shall take effect immediately.