

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 69 Session of 2023

INTRODUCED BY LANGERHOLC, MARTIN, J. WARD, YAW, STEFANO, BAKER, HAYWOOD AND AUMENT, JANUARY 18, 2023

SENATOR ROBINSON, LABOR AND INDUSTRY, AS AMENDED, JUNE 7, 2023

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 29 U.S.C. § 3122
17 (relating to local workforce development boards).

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

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

22 "Educational institution." The term includes:

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

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

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

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

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

8 "Local workforce development board." A local workforce
9 development board established in accordance with 29 U.S.C. §
10 3122.

11 "Participating agencies." Includes:

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

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

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

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

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

20 (6) The Pennsylvania Parole Board.

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

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

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

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

29 CHAPTER 3

30 RECOVERY-TO-WORK

1 Section 301. Program established.

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

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

6 (1) Money deposited into the Reemployment Fund.

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

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

12 (4) MONEY APPROPRIATED FROM THE OPIOID SETTLEMENT <--
13 RESTRICTED ACCOUNT FOR RECOVERY-TO-WORK.

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

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

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

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

1 (3) Provide individuals in recovery with support
2 services for their continued recovery.

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

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

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

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

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

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

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

25 Section 303. Application and approval process.

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

30 (b) Application requirements.--A completed application must

1 describe the proposed local recovery-to-work pilot program in
2 the form and manner prescribed by the department. An application
3 must include all of the following:

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

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

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

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

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

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

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

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

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

1 (c) Approval process.--

2 (1) The department, in consultation with participating
3 agencies and the board as needed, shall approve up to seven
4 local recovery-to-work pilot programs for participation in
5 Recovery-to-work in the first year after the effective date
6 of this paragraph.

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

10 (i) Substantial program integration across
11 educational levels, including use of multiple components
12 identified in the department guidelines under section
13 302(b).

14 (ii) An ability to leverage other funding and
15 programming resources.

16 (iii) A commitment from one or more business
17 partners to provide preferred interviews to individuals
18 in recovery completing the local pilot program.

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

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

29 (e) Termination and replacement.--The department, in
30 consultation with participating agencies and the board as

1 needed, may terminate a local recovery-to-work pilot program for
2 failure to comply with program requirements. Consistent with the
3 process in subsection (c), a replacement local pilot program may
4 be approved.

5 Section 304. Program operation.

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

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

9 (2) Establish an application process.

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

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

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

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

25 CHAPTER 7

26 INCENTIVES

27 Section 701. Business partner incentives.

28 (a) Eligibility.--Subject to the availability of funding
29 under subsection (c), if, at the end of a training period, a
30 business partner hires an individual in recovery for a job

1 opening, the business partner is eligible to receive an
2 incentive payment in the amount of \$1,250 ~~after the individual~~ <--
3 ~~in recovery remains employed an average of 35 hours per week for~~
4 ~~12 consecutive weeks.~~ IF ALL OF THE FOLLOWING OCCUR: <--

5 (1) THE INDIVIDUAL IN RECOVERY REMAINS EMPLOYED AN
6 AVERAGE OF 35 HOURS PER WEEK FOR 26 CONSECUTIVE WEEKS.

7 (2) THE INDIVIDUAL IN RECOVERY EARNS WAGES THAT MEET OR
8 EXCEED THE NEGOTIATED PERFORMANCE MEASURE FOR THE LOCAL
9 WORKFORCE DEVELOPMENT BOARD FOR MEDIAN EARNINGS THE SECOND
10 QUARTER AFTER EXITING THE ADULT PROGRAM AUTHORIZED UNDER THE
11 WORKFORCE INNOVATION AND OPPORTUNITY ACT (PUBLIC LAW 113-128,
12 128 STAT. 1425).

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

17 (c) Funding.--

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

20 (2) Fifteen percent of the total amount of money
21 authorized for a fiscal year shall be reserved for business
22 partners with fewer than 100 employees. If the reserved
23 amount is not committed by April 30 of each year, the
24 reserved amount shall be available to business partners that
25 have at least 100 employees.

26 (d) Penalty.--A business partner that falsifies an
27 application for an incentive payment shall be required to refund
28 the department the total amount of the incentive payment
29 awarded.

30 CHAPTER 9

1 PERFORMANCE EVALUATION AND REPORTING

2 Section 901. Performance evaluation system.

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

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

7 (i) Skill training being received by individuals in
8 recovery.

9 (ii) Challenges foreseen by business partners.

10 (iii) Local recovery-to-work pilot program best
11 practices.

12 (iv) Retention rate of individuals in recovery
13 employed as a result of a local pilot program.

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

16 Section 902. Annual report.

17 Within 60 days of the end of a fiscal year in which a local
18 recovery-to-work pilot program is in operation, the department,
19 participating agencies and the board shall jointly submit a
20 report regarding the implementation of Recovery-to-work and the
21 local pilot programs over the previous fiscal year to the
22 following:

23 (1) The Governor.

24 (2) The Auditor General.

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

27 (4) The chairperson and minority chairperson of the
28 Appropriations Committee of the House of Representatives.

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

1 (6) The chairperson and minority chairperson of the
2 Education Committee of the House of Representatives.

3 (7) The chairperson and minority chairperson of the
4 Labor and Industry Committee of the Senate.

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

7 Section 903. Final report.

8 Within six months of the expiration of local recovery-to-work
9 pilot programs, the department, participating agencies and the
10 board shall jointly submit a report regarding the implementation
11 of Recovery-to-work and the local pilot programs to the
12 following:

13 (1) The Governor.

14 (2) The Auditor General.

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

17 (4) The chairperson and minority chairperson of the
18 Appropriations Committee of the House of Representatives.

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

21 (6) The chairperson and minority chairperson of the
22 Education Committee of the House of Representatives.

23 (7) The chairperson and minority chairperson of the
24 Labor and Industry Committee of the Senate.

25 (8) The chairperson and minority chairperson of the
26 Labor and Industry Committee of the House of Representatives.

27 Section 904. Report contents.

28 (a) General rule.--In addition to information or analysis
29 required by the department, in consultation with participating
30 agencies and the board, as needed, the interim and final reports

1 must include information about each local recovery-to-work pilot
2 program, including whether:

3 (1) The local pilot program achieved the clear
4 objectives and measurable goals proposed under section 303(b)
5 (8).

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

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

10 (4) The amount expended.

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

14 CHAPTER 21

15 MISCELLANEOUS PROVISIONS

16 Section 2101. Effective date.

17 This act shall take effect immediately.