

1 S.352

2 Introduced by Committee on Appropriations

3 Date: September 3, 2020

4 Subject: COVID-19; Front-Line Employees Hazard Pay Grant Program

5 Statement of purpose of bill as introduced: This bill proposes to make

6 amendments to the Front-Line Employees Hazard Pay Grant Program

7 established pursuant to 2020 Acts and Resolves No. 136, Sec. 6.

8 An act relating to making certain amendments to the Front-Line Employees  
9 Hazard Pay Grant Program

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 2020 Acts and Resolves No. 136, Sec. 6 is amended to read:

12 Sec. 6. FRONT-LINE EMPLOYEES HAZARD PAY GRANT

13 PROGRAM

14 (a)(1) There is established in the Agency of Human Services the Front-  
15 Line Employees Hazard Pay Grant Program to administer and award grants to  
16 certain public safety, public health, health care, and human services employers  
17 whose employees were engaged in activities substantially dedicated to  
18 mitigating or responding to the COVID-19 public health emergency during the  
19 eligible period.

1           (2) The sum of ~~\$28,000,000.00~~ \$30,500,000.00 is appropriated from the  
2           Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021  
3           for the administration and payment of grants pursuant to the Front-Line  
4           Employees Hazard Pay Grant Program established in subdivision (1) of this  
5           subsection.

6           (b) As used in this section:

7           (1) “Agency” means the Agency of Human Services.

8           (2)(A) “Covered employer” means an entity that employs one or more  
9           individuals in Vermont in relation to its operation of one of the following:

10           (i) an assisted living residence as defined in 33 V.S.A. § 7102;

11           (ii) a nursing home as defined in 33 V.S.A. § 7102 and any  
12           employer that a nursing home has contracted with for the provision of  
13           physical, speech, respiratory, or occupational therapy, provided that such an  
14           employer shall only be permitted to receive a grant to provide hazard pay to its  
15           employees for therapy services provided in the nursing home;

16           (iii) a residential care home as defined in 33 V.S.A. § 7102;

17           (iv) a therapeutic community residence as defined in 33 V.S.A.  
18           § 7102;

19           (v) a health care facility as defined in 18 V.S.A. § 9432 or a  
20           physician’s office;

21           (vi) a dentist’s office or a dental facility;

1                   (vii) a homeless shelter, including a lodging establishment as  
2 defined in 18 V.S.A. § 4301, that, during the eligible period, provided  
3 temporary housing to homeless individuals pursuant to an agreement with the  
4 Department for Children and Families;

5                   (viii) a home health agency as defined in 33 V.S.A. § 6302 and  
6 any employer that a home health agency has contracted with to provide  
7 physical, speech, respiratory, or occupational therapy on its behalf, provided  
8 that such an employer shall only be permitted to receive a grant to provide  
9 hazard pay to its employees for therapy services provided on behalf of the  
10 home health agency;

11                  (ix) a federally qualified health center, rural health clinic, or clinic  
12 for the uninsured;

13                  (x) a program licensed by the Department for Children and  
14 Families as a residential treatment program;

15                  (xi) an ambulance service or first responder service as defined in  
16 24 V.S.A. § 2651;

17                  (xii) a morgue; ~~or~~

18                  (xiii) a provider of necessities and services to vulnerable or  
19 disadvantaged populations;

20                  (xiv) a cleaning or janitorial service that provides cleaning or  
21 janitorial services to a covered employer listed in subdivisions (i)–(v) and

1 (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general  
2 public or regularly used by the residents or patients of that covered employer,  
3 provided that such an employer shall only be permitted to receive a grant to  
4 provide hazard pay to its eligible employees who provided cleaning or  
5 janitorial services to another covered employer during the eligible period; or  
6 (xv) a food service provider that prepares and provides meals for  
7 residents or patients of a covered employer listed in subdivisions (i)–(v) and  
8 (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall  
9 only be permitted to receive a grant to provide hazard pay to its eligible  
10 employees who provided food services to the residents or patients of a covered  
11 employer during the eligible period.

12 \* \* \*

13 (3)(A) “Elevated risk of exposure to COVID-19” means the  
14 performance of a job that:

15 (i) has high potential for exposure to known or suspected sources  
16 of COVID-19, including through;

17 (I) providing in-person services or care to members of the  
18 public, patients, residents, or clients; or

19 (II) cleaning or sanitizing the premises of a covered employer  
20 in a location that is used by members of the public, patients, residents, clients,  
21 or individuals who are known or suspected to have COVID-19;

1           (ii)(I) requires frequent physical contact or close contact, or both,  
2 with ~~people~~ individuals who may be infected with SARS-CoV-2, but who are  
3 not known or suspected COVID-19 patients; or

4           (II) involves regularly cleaning or sanitizing the premises of a  
5 covered employer in a location that is regularly used by individuals who may  
6 be infected with SARS-CoV-2, but who are not known or suspected COVID-  
7 19 patients; or

8           (iii) is located in an area or facility with ongoing community  
9 transmission of SARS-CoV-2 and requires regular, close contact with  
10 members of the public, patients, residents, or clients.

11           (B) As used in this subdivision (b)(3), “close contact” means  
12 interactions with another individual that require the employee to be within six  
13 feet of that individual.

14           (4)(A) “Eligible employee” means an individual who:

15           (i) is was employed during the eligible period by a covered  
16 employer that has applied for a grant through the Program;

17           (ii) ~~performs~~ performed a job that had an elevated risk of exposure  
18 to COVID-19 during the eligible period;

19           (iii) was unable to perform his or her job remotely or to telework,  
20 including by providing health care or other services by telephone,  
21 videoconference, or telehealth;

1 (iv) except in the case of employees of home health agencies and  
2 nursing homes, ~~earns~~ earned an hourly base wage of \$25.00 or less during the  
3 eligible period;

4 (v) worked at least 68 hours for a covered employer during the  
5 eligible period; and

6 (vi) is not eligible to receive monetary benefits for the  
7 performance of his or her job under any program authorized or implemented  
8 by the federal government.

9 \* \* \*

10 (C) "Eligible employee" does not include:

11 ~~(i) an independent contractor or self-employed individual; or~~

12 ~~(ii) an individual who has received unemployment insurance~~  
13 ~~benefits for any week during the eligible period.~~

14 \* \* \*

15 (c)(1) A covered employer may apply to the Secretary for a lump sum  
16 grant to provide hazard pay to eligible employees in the following amounts for  
17 the eligible period:

18 \* \* \*

19 (2)(A) The number of hours worked by an eligible employee during the  
20 eligible period shall include any hours of employer-provided accrued paid  
21 leave or leave provided pursuant to the Emergency Family and Medical Leave

1 Expansion Act or the Emergency Paid Sick Leave Act that were used by the  
2 eligible employee because he or she contracted COVID-19 or was quarantined  
3 because of exposure to COVID-19.

4 (B) The number of hours worked by an eligible employee during the  
5 eligible period shall not include:

6 (i) any hours of employer-provided accrued paid leave or leave  
7 provided pursuant to the Emergency Family and Medical Leave Expansion Act  
8 or the Emergency Paid Sick Leave Act that were used by the eligible employee  
9 to care for another individual; ~~and~~

10 (ii) any hours of remote or telework performed by the eligible  
11 employee, including the provision of healthcare or other services by telephone,  
12 videoconference, or telehealth; and

13 (iii) any hours of work performed as an independent contractor or  
14 a sole proprietor.

15 \* \* \*

16 (3)(A) An eligible employee may elect not to receive hazard pay funded  
17 by a grant provided pursuant to the Program by providing notice to his or her  
18 employer pursuant to procedures adopted by the employer.

19 (B) For an individual who is eligible to receive a hazard pay grant  
20 directly from the Program pursuant to subsection (j) of this section, the eligible

1 employee may elect not to receive the hazard pay grant by providing notice  
2 pursuant to procedures adopted by the Secretary.

3 \* \* \*

4 (7) A covered employer may identify potentially eligible employees  
5 who are no longer employed by the employer by providing the former  
6 employee's name, mailing address, and any other information required by the  
7 Secretary. The Program shall provide the individuals identified with notice of  
8 their potential eligibility and information regarding how to apply for a grant  
9 pursuant to the provisions of subdivision (j)(1) of section.

10 \* \* \*

11 (j)(1)(A) The Program shall provide each potentially eligible employee  
12 who has been identified as no longer employed by a covered employer with  
13 notice that he or she may be eligible to obtain a grant through the Program and  
14 information regarding how to apply for a grant. The notice and information  
15 shall be sent to the address provided by the individual's former employer.

16 (B) The notice sent to each potentially eligible employee pursuant to  
17 this subdivision (1) shall inform the individual that he or she may elect to  
18 decline the grant and provide him or her with information regarding how to do  
19 so.



1           (2)(A) Eligible employees who apply for a grant pursuant to this  
2           subsection (j) shall receive a grant directly from the Program in the appropriate  
3           amount set forth in subdivision (c)(1) of this section.

4           (B) Each eligible employee who receives a grant payment pursuant  
5           to this subsection (j) shall, together with his or her grant payment, be provided  
6           with written notice that the grant may be subject to income tax.

7           (k) Any personally identifiable information that is collected by the  
8           Program, any entity of State government performing a function of the  
9           Program, or any entity that the Secretary contracts with to perform a function  
10           of the Program shall be kept confidential and shall be exempt from inspection  
11           and copying under the Public Records Act.

12       Sec. 2. HAZARD PAY; IDENTIFICATION OF FORMER EMPLOYEES

13           For each covered employer, as defined in Sec. 1 of this act, that submitted  
14           an application to the Front-Line Employees Hazard Pay Grant Program on or  
15           before the effective date of this act, the Secretary shall send notice to the  
16           covered employer that it may identify potentially eligible employees who were  
17           no longer employed by the employer at the time it submitted its initial  
18           application and provide information regarding how to identify such potentially  
19           eligible employees to the Program. The Program shall provide the individuals  
20           identified with notice of their potential eligibility and information regarding

1 how to apply for a grant pursuant to the provisions of subdivision (j)(1) of Sec.  
2 1 of this act.

*Sec. 3. 2020 Acts and Resolves No. 136, Sec. 14 is amended to read:*

*Sec. 14. CHILD CARE PROVIDERS, SUMMER CAMPS,  
AFTERSCHOOL PROGRAMS; PARENT CHILD CENTERS;  
CHILDREN'S INTEGRATED SERVICES*

*(a)(1) The sum of \$12,000,000.00 is appropriated from the Coronavirus Relief Fund to the Department for Children and Families in fiscal year 2021 for the purposes of providing:*

*(A) additional restart grants to summer camps, afterschool programs, and child care providers;*

*(B) a prospective hazard pay grant program to staff employed at child care programs regulated by the Department for Children and Families;*

*(C) the cost incurred by Parent Child Centers in responding to the COVID-19 public health emergency, including the increased demand for services by impacted families; and*

*~~(D)~~ funds to address the immediate needs related to providing Children's Integrated Services, including information technology training and the provision of equipment necessary for telehealth services.*

*(2) The Department shall determine the allocation of funding for this subsection and develop an application process to distribute funds to providers.*

*(b) Once the Department has determined how the appropriation set forth in this section shall be distributed, but not later than August 18, 2020, it shall report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare regarding how the funds are to be distributed across programs.*

3 **Sec. 4. EFFECTIVE DATE**

4 This act shall take effect on passage.