

No. 168. An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program.

(S.352)

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

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

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

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

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

(b) As used in this section:

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

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

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

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

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

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

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

(vi) a dentist's office or a dental facility;

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

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

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

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

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

(xii) a morgue; ~~or~~

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

(xiv) a traveling nurse agency or other business whose employees provide temporary or contract nursing services to or on behalf of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided nursing services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) during the eligible period;

(xv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to

provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period; or
(xvi) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period.

* * *

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

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

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

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

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

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

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

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

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

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

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

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

(iv) except in the case of employees of home health agencies and nursing homes, ~~earns~~ and employees of an employer described in subdivision (2)(A)(xiv) of this subsection (b) that provides nursing services to or on behalf

of a home health agency or nursing home, earned an hourly base wage of \$25.00 or less during the eligible period;

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

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

* * *

(C) “Eligible employee” does not include:

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

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

* * *

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

* * *

(2)(A) The number of hours worked by an eligible employee during the eligible period shall include any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the

eligible employee because he or she contracted COVID-19 or was quarantined because of exposure to COVID-19.

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

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

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

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

* * *

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

* * *

(7) A covered employer shall identify potentially eligible employees who are no longer employed by the employer by providing the former employee's name, mailing address, and any other information required by the Secretary. The Program shall provide the individuals identified with notice of

their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (j)(1) of section.

* * *

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

(B) The notice sent to each potentially eligible employee pursuant to this subdivision (1) shall inform the individual that he or she is not required to apply for a grant.

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

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

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

Sec. 2. HAZARD PAY; IDENTIFICATION OF FORMER EMPLOYEES

For each covered employer, as defined in Sec. 1 of this act, that submitted an application to the Front-Line Employees Hazard Pay Grant Program on or before the effective date of this act, the Secretary shall send notice to the covered employer requesting that it identify potentially eligible employees who were no longer employed by the employer at the time it submitted its initial application and provide information regarding how to identify such potentially eligible employees to the Program. The Program shall provide the individuals identified with notice of their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (j)(1) of Sec. 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 workforce stabilization program for staff employed at Department-regulated family child care homes, center-based child care and

preschool programs, and afterschool programs that are not otherwise serving as school-age child care hubs for risks associated with elevated exposure to COVID-19;

(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~~ Appropriations made pursuant to subdivision (a)(1)(B) of this section shall not occur until all allowable expenses for the purposes set forth in subdivisions (a)(1)(A), (C), and (D) of this section are allocated.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: October 7, 2020