

1 H.966

2 Representatives Marcotte of Coventry, Bancroft of Westford, Carroll of
3 Bennington, Dickinson of St. Albans Town, Jerome of Brandon, Kimbell of
4 Woodstock, Morris of Springfield, O’Sullivan of Burlington, Ralph of
5 Hartland, and Toleno of Brattleboro move that the bill be amended as follows:

6 First: By striking out Sec. 1 in its entirety and inserting in lieu thereof a
7 new Sec. 1 to read:

8 Sec. 1. PURPOSE

9 The purpose of this act is to appropriate \$232,630,100.00 from the State’s
10 Coronavirus Relief Fund for necessary expenses incurred as a result of the
11 COVID-19 public health emergency, allocated as follows: \$43,068,500.00 for
12 broadband connectivity and other initiatives; \$68,061,600.00 for housing
13 initiatives; and \$121,500,000 for economic relief to businesses and individuals.

14 Second: Following Sec. 10, by inserting a reader assistance heading and
15 Secs. 10a–10e to read:

16 * * * COVID-19; Economic Relief for Businesses and Individuals * * *

17 Sec. 10a. ECONOMIC RELIEF FOR BUSINESSES AND INDIVIDUALS;

18 CORONAVIRUS RELIEF FUND; APPROPRIATIONS

19 (a) Determination of necessity due to COVID-19. The General Assembly
20 determines that the expenditure of monies from the Coronavirus Relief Fund
21 pursuant to this section is necessary to provide support to individuals and

1 businesses that have suffered economic harm due to the COVID-19 public
2 health emergency.

3 (b) Appropriations. The following amounts are appropriated from the
4 Coronavirus Relief Fund to the named recipients for the purpose specified:

5 (1) \$5,000,000.00 to the Working Lands Enterprise Fund, which the
6 Working Lands Enterprise Board shall use for grants to businesses within the
7 agricultural, food and forest, and wood products industries for:

8 (A) recovering from verifiable losses incurred due to the COVID-19
9 public health emergency; and

10 (B) developing new products or markets necessary for the sustainable
11 viability of the business because of changes in the supply chain and relevant
12 markets due to the COVID-19 public health emergency.

13 (2) \$5,000,000.00 to the Vermont Community Loan Fund, of which the
14 Fund shall allocate \$2,500,000.00 to issue grants of not more than \$10,000.00
15 to woman-owned businesses and \$2,500,000.00 to issue grants of not more
16 than \$10,000.00 to minority-owned businesses, to address economic harm
17 suffered due to the COVID-19 public health emergency.

18 (A) A business is eligible for a grant if:

19 (i) The business suffered a 50 percent or greater reduction in
20 revenue in a monthly or quarterly period from March 1, 2020 to September 1,
21 2020 as compared to the same period in 2019.

1 (ii) The business has no, or not more than five, employees.

2 (iii) A woman or a minority individual owns not less than
3 51 percent of the business, and the business meets the standard for being
4 woman- or minority-owned established by the Department of Buildings and
5 General Services.

6 (iv) The business certifies that it meets the eligibility
7 requirements, that it will use funds for COVID-19 related business expenses on
8 or before December 20, 2020, that it will document the expenses, that grants
9 are subject to audit for three years, and that false or fraudulent claims will be
10 prosecuted.

11 (B) The Vermont Commission on Women shall design a grant
12 application and host an online application process.

13 (C) The Agency of Commerce and Community Development shall
14 provide notice to applicants concerning allowable expenditures under the
15 CARES Act and support outreach efforts through media outlets.

16 (D) The Vermont Commission on Women and a host nonprofit that
17 works with minority businesses shall conduct outreach within their respective
18 business communities and provide support for applicants as they research and
19 apply for the grants.

1 (E) If any funds remain both unencumbered and unspent on
2 September 1, 2020, the Agency and the Fund shall assess the participation
3 rates in the grant programs and reallocate funds as necessary.

4 (3) \$3,000,000.00 to the Agency for Commerce and Community
5 Development for emergency economic recovery grants under Sec. 3 of S.350
6 (2020), as enacted, to eligible businesses that provide highway and bridge
7 maintenance services for the Agency of Transportation or municipal highway
8 departments, or both, and that have suffered economic harm due to the
9 COVID-19 public health emergency.

10 (4) \$3,000,000.00 to the Department of Tourism and Marketing to
11 provide marketing support to businesses that have suffered economic harm due
12 to the COVID-19 public health emergency.

13 (5) \$3,000,000.00 to the Agency of Commerce and Community
14 Development to establish a Restart Vermont Technical Support Network to
15 make available an appropriate level of professional assistance to businesses
16 that have suffered economic harm due to the COVID-19 public health
17 emergency.

18 (A) The Agency shall issue a request for proposals to service
19 providers to establish a group of Recovery Navigators qualified to provide
20 businesses with assistance in revising business models, business and financial
21 planning, and grant and loan writing support.

1 (B) The request for proposals issued by the Agency shall solicit
2 service providers adequately demonstrating their qualifications in areas
3 including:

4 (i) operational expertise and ability in helping businesses
5 modernize current operating practices;

6 (ii) knowledge and experience in developing digital strategies for
7 retailers needing to establish a more robust and competitive online presence;

8 (iii) architecture and physical space design for optimal flow in
9 restaurants adjusting their model and space to accommodate more takeout and
10 less seating, space for meal preparation, and food delivery logistics;

11 (iv) reconfiguration of manufacturing equipment and processes to
12 enable production of personal protective equipment, as well as accommodation
13 of safety measures resulting from the COVID-19 emergency;

14 (v) technology or software consulting to agricultural producers
15 and manufacturers on the utilization of technology to solve problems; and

16 (vi) legal and other professional services experienced in helping
17 businesses develop turnaround plans, including restructuring debt,
18 prioritization of payables, and orderly unwinding businesses.

19 (6) \$1,000,000.00 to the Department of Housing and Community
20 Development for grants to communities through the Better Places Program to
21 purchase or lease equipment, including masks, sanitizing stations, hands free

1 door pulls, outdoor tables and chairs, and other items used towards public
2 safety measures and the mitigation of the spread of COVID-19, while enabling
3 local businesses and organizations to reopen.

4 (7) \$70,000,000.00 to the Agency of Commerce and Community
5 Development, in consultation with the Department of Taxes, to allocate for
6 additional emergency economic recovery grants pursuant to Secs. 2–3 of S.350
7 (2020), as enacted, subject to the approval of the Joint Fiscal Committee and to
8 the following:

9 (A) The Agency and Department may issue grants to businesses that
10 have suffered a 50 percent or greater reduction in revenue in a monthly or
11 quarterly period from March 1, 2020 to September 1, 2020 as compared to the
12 same period in 2019.

13 (B) If, on or before August 1, 2020, the Agency and the Department
14 have not expended all of the funds appropriated in S.350 (2020), as enacted,
15 the Agency and Department shall combine and distribute those funds with the
16 amounts appropriated in this subdivision (7).

17 (8) \$1,500,000.00 to the Agency of Natural Resources for grants
18 through the Outdoor Recreation Business Assistance Program.

19 (9) \$5,000,000 to Southeastern Vermont Community Action to act as
20 fiscal agent for a **Statewide** program, Restaurants and Farmers Feeding the
21 Hungry, the purpose of which is to provide assistance to Vermonters who are

1 food insecure due to the COVID-19 public health emergency by engaging
2 Vermont restaurants that have suffered economic harm due to the COVID-19
3 public health emergency to prepare meals using foodstuffs purchased from
4 Vermont farms and food producers.

5 (A) SEVCA shall collaborate with State and non profit partners
6 throughout Vermont, including the Agency of Commerce and Community
7 Development; the Agency of Agriculture, Food and Markets; the Agency of
8 Human Services; the Department of Public Safety; the Community Action
9 Agencies; the Vermont Food Bank; Hunger Free Vermont; the Vermont
10 Hunger Council; the Sustainable Jobs Fund/Farm to Plate; the Vermont
11 Community Foundation; the Downtown Brattleboro Alliance; Shiftmeals;
12 Mama Sezz; and others.

13 (B) Under the Program SEVCA and partners shall:

14 (i) establish multiple community-scale hubs across Vermont to
15 coordinate restaurant engagement and distribution of not fewer than 15,000
16 meals per week;

17 (ii) engage a broad range of restaurants of various sizes to produce
18 meals;

19 (iii) on average, purchase not less than 10 percent of ingredients
20 from local farms and producers; and

1 (iv) augment the existing food distribution network to meet the
2 increased food insecurity of residents.

3 (10) \$5,000,000.00 to the Vermont Arts Council for grants to nonprofit
4 arts and cultural organizations that have suffered a 50 percent or greater
5 reduction in revenue in a monthly or quarterly period from March 1, 2020 to
6 September 1, 2020 as compared to the same period in 2019. As used in this
7 subdivision, “revenue” does not include tax-deductible charitable donations.

8 (c) Administration of funds; reporting. A recipient of an appropriation to
9 administer grants and other assistance in this section:

10 (1) may use funds for administrative expenses, provided that the
11 expenses represent an increase over previously budgeted amounts and are
12 limited to what is necessary;

13 (2) shall require an applicant for a grant to attest:

14 (A) to the intended use of a grant award;

15 (B) to commit to expending grant funds on or before December 20,
16 2020;

17 (C) if a business organization, that it is domiciled or has its primary
18 place of business in Vermont as determined pursuant to guidelines adopted by
19 the Agency of Commerce and Community Development pursuant to S.350
20 (2020), as enacted; and

1 (D) is open for business at the time of application, or is closed due to
2 the COVID-19 public health emergency but has a good faith plan to reopen;

3 (3) shall disclose to applicants that all expenditures of funding from the
4 Coronavirus Relief Fund are subject to audit by the State and may be recovered
5 by the State if the recipient uses the funding for an ineligible purpose under the
6 CARES Act, except in the case of a grant recipient that accepted grant funds in
7 good faith reliance on the State concerning the business’s eligibility for, or use
8 of, the grant award;

9 (4) shall transfer funds that are both unencumbered and unspent as of
10 November 15, 2020 to the Agency of Commerce and Community
11 Development, which the Agency shall use to make additional emergency
12 economic recovery grants; and

13 (5) shall submit to the General Assembly an initial report on or before
14 August 15, 2020, and a final report on November 15, 2020, concerning the use
15 of appropriated funds.

16 (d) Prohibition on multiple sources of funding.

17 (1) A business may apply for a grant of Coronavirus Relief Fund monies
18 from multiple sources; provided, however, that:

19 (A) A business is eligible to receive only one grant of Coronavirus
20 Relief Fund monies from among the programs and sources authorized in this
21 section.

1 (B) A business that receives a grant of Coronavirus Relief Fund
2 monies from a program or source that is not authorized in this section is
3 ineligible for an additional grant from among the programs and sources
4 authorized in this section, except that a business in the dairy sector may apply
5 for a grant under subsection (b)(1) of this section provided that the award is not
6 for the same documented COVID-19 related economic loss covered under
7 other assistance from the Fund.

8 (2) The Agency of Commerce and Community Development, the
9 Department of Taxes, and economic development partners that receive
10 appropriations pursuant to this section shall provide businesses with guidance
11 and support to help identify the appropriate programs for which the business
12 may be eligible for assistance.

13 (e) Public records; confidentiality.

14 (1) The name of a business that receives an award under this section and
15 the amount of the award are public records subject to inspection and copying
16 under the Public Records Act.

17 (2) Any application documents of a business containing federal
18 identification numbers and sales amounts are subject to the confidentiality
19 provisions of 32 V.S.A. § 3102 and are return information under that section.

20 (3) Data submitted by a business under this section to demonstrate costs
21 or expenses shall be a trade secret exempt from public inspection and copying

1 under 1 V.S.A. § 317(c)(9), provided that submitted information may be used
2 and disclosed in summary or aggregated form that does not directly or
3 indirectly identify a business.

4 Sec. 10b. OUTDOOR RECREATION BUSINESS ASSISTANCE

5 PROGRAM; COVID-19 PUBLIC HEALTH PRECAUTIONS

6 (a) Purpose. The purpose of this section is to provide financial assistance
7 to outdoor recreation businesses in the State to assist with compliance with or
8 implementation of COVID-19 public health precautions.

9 (b) Definitions. As used in this section:

10 (1) “Outdoor recreation business” means any person conducting a
11 business or a service within the State that offers outdoor recreation as the
12 principle part of the business or service, including outdoor outfitters, fishing
13 guides, snowmobile tours, ski tours, and other eligible activities approved by
14 the Secretary. An “outdoor recreation business” includes for-profit businesses,
15 not-for-profit businesses, and charitable organizations organized under
16 26 U.S.C. § 501(c)(3).

17 (2) “Secretary” means the Secretary of Natural Resources.

18 (c) Program establishment.

19 (1) The Secretary shall establish an Outdoor Recreation Business
20 Assistance Program (Program) to provide grants to outdoor recreation
21 businesses for costs or expenses necessary to comply with or implement

1 COVID-19 public health precautions, including costs or expenses related to
2 one or more of the following:

3 (A) cleaning or disinfection services or equipment;

4 (B) personal protection equipment for staff, customers, or
5 participants;

6 (C) symptom monitoring or diagnosis to ensure safe participation by
7 customers or participants;

8 (D) signage or informational material to inform staff, customers, and
9 participants of necessary public health precautions;

10 (E) temporary staff housing necessary to maintain public health
11 precautions;

12 (F) maintenance or repair of trails where damage is caused by
13 increased usage during the declared COVID-19 public health emergency; and

14 (G) other improvements necessary to address public safety needs due
15 to the COVID-19 public health emergency.

16 (2) In order to qualify for assistance under the Program, an outdoor
17 recreation business shall:

18 (A) be currently operating or providing services; and

19 (B) accurately demonstrate to the Secretary or the Secretary's
20 designee eligible costs or expenses that the outdoor recreation business
21 incurred or will incur on or after March 1, 2020 and before December 20,

1 2020.

2 (e) Implementation and administration.

3 (1) The Secretary shall administer the Program and may implement the
4 Program by:

5 (A) contracting with an independent public or private entity;

6 (B) contracting for or hiring up to two temporary positions at the
7 Agency of Natural Resources; or

8 (C) reallocating existing Agency of Natural Resources staff positions
9 to work exclusively on the Program or other CARES Act, Pub. L. No. 116-136
10 eligible activities.

11 (2) Notwithstanding any provision of law to the contrary, the Secretary
12 may enter into a contract with an independent public or private entity as
13 authorized under this section without the need to competitively bid the
14 contract. For the purposes of the Program, the public health risk posed by
15 COVID-19 shall be deemed to be an emergency situation that justifies the
16 execution of a sole source contract pursuant to Bulletin 3.5, the State’s
17 Procurement and Contracting Procedures.

18 (e) Application; processing.

19 (1) The Secretary or the Secretary’s designee shall create an application
20 form that outdoor recreation businesses shall utilize when applying for an

1 award. Applicants shall certify that all information they provide is truthful and
2 accurate to the best of their knowledge, information, and belief.

3 (2) The Secretary or the Secretary’s designee shall, based on the amount
4 of cost or expense documented by the outdoor recreation business on the date
5 the application is received, provide up to the maximum award authorized under
6 this section. Applications shall be processed in the order received, but an
7 application shall not be ready for evaluation until the Secretary or the
8 Secretary’s designee determines that the application is administratively
9 complete and includes required proof of costs or expenses incurred in response
10 to the COVID-19 public health emergency.

11 (3) Once an outdoor recreation business submits a complete application
12 and demonstrates eligible costs or expenses, the Secretary or the Secretary’s
13 designee shall promptly issue a payment, provided that the appropriated funds
14 have not been expended. The last payment may be a partial payment
15 consisting of the remaining available funds.

16 (4) Each award under this section shall be a direct payment from the
17 State of Vermont to an eligible outdoor recreation business. Outdoor
18 recreation businesses shall not submit more than one application.

19 (f) Payment; maximum. The maximum amount of an award that may be
20 awarded under this section shall be \$30,000.00.

21 (g) Program terms and limitations.

1 (1) The Secretary shall attempt to award grants equitably on a
2 geographic basis across the State. After equity of geographic distribution is
3 accounted for, grant payments under the Program shall be issued on a first-
4 come, first-served basis until all funds are awarded or December 20, 2020,
5 whichever occurs first, provided that the costs or expenses are incurred and the
6 funds fully expended on or before December 30, 2020.

7 (2) The name of an outdoor recreation business that receives an award
8 under the Program and the amount of the award are public records subject to
9 inspection and copying under the Public Records Act.

10 (3) Any application documents of an outdoor recreation business
11 containing federal identification numbers and sales amounts are subject to the
12 confidentiality provisions of 32 V.S.A. § 3102 and are return information
13 under that section.

14 (4) Data submitted by an outdoor recreation business under this section
15 to demonstrate costs or expenses shall be a trade secret exempt from public
16 inspection and copying under 1 V.S.A. § 317(c)(9), provided that the Secretary
17 may use and disclose submitted information in summary or aggregated form
18 that does not directly or indirectly identify an outdoor recreation business.

19 Sec. 10c. 24 V.S.A. § 2799 is added to read:

20 § 2799. BETTER PLACES PROGRAM; CROWD GRANTING

1 (a)(1) There is created a Better Places Fund under 32 V.S.A. chapter 7,
2 subchapter 5.

3 (2) The purpose of the Fund is to utilize crowdfunding to spark
4 community revitalization through collaborative grantmaking for projects that
5 create, activate, or revitalize public spaces.

6 (3) The Department of Housing and Community Development may
7 administer the Fund in coordination with and support from other State agencies
8 and nonprofit and philanthropic partners.

9 (b) The Fund is composed of the following:

10 (1) State or federal funds appropriated by the General Assembly;

11 (2) gifts, grants, or other contributions to the Fund;

12 (3) proceeds from the issuance of general obligation bonds; and

13 (4) any interest earned by the Fund.

14 (c) As used in this section, “public space” means an area or place that is
15 open and accessible to all people, generally with no charge for admission, and
16 includes village greens, squares, parks, community centers, town halls,
17 libraries, and other publicly accessible buildings and connecting spaces such as
18 sidewalks, streets, alleys, and trails.

19 (d)(1) The Department of Housing and Community Development shall
20 establish an application process, eligibility criteria, and criteria for prioritizing
21 assistance for awarding grants from the Fund.

1 (2) The Department may award a grant to a municipality or nonprofit
2 organization for a project that is located in a designated downtown, village
3 center, new town center, or neighborhood development area that will create a
4 new public space or revitalize or activate an existing public space.

5 (3) The Department may develop matching grant eligibility
6 requirements, such as requiring that to be eligible for a grant, a project shall
7 use matching funds raised through a crowdfunding approach that includes
8 multiple donors and other appropriate requirements to ensure a broad base of
9 community and financial support for the project.

10 (e) The Department of Housing and Community Development, with the
11 assistance of a fiscal agent, shall distribute funds under this section in a manner
12 that provides funding for projects of various sizes in as many geographical
13 areas of the State as possible.

14 (f) The Department of Housing and Community Development may use up
15 to 15 percent of any appropriation to the Fund from the General Fund to assist
16 with crowdfunding, administration, and technological needs of the Better
17 Places Program.

18 (g) Beginning on January 15, 2021, and annually thereafter, the
19 Department of Housing and Community Development shall submit to the
20 Senate Committee on Economic Development, Housing and General Affairs
21 and the House Committee on Commerce and Economic Development an

1 annual report regarding the activities and progress of the Better Places

2 Program. The report shall:

3 (1) summarize the program activities in the preceding year and report on
4 the number of awarded grants and the total grant funds allocated;

5 (2) report on partner resources and contributions to the Program; and

6 (3) report on any measurable economic activity that may include
7 number of jobs created, number of visitors, the approximate number of square
8 feet to be activated or redeveloped, and the number of volunteers engaged in
9 the project.

10 Sec. 10d. WORKERS' COMPENSATION RATE OF CONTRIBUTION

11 For fiscal year 2021, after consideration of the formula in 21 V.S.A.
12 § 711(b) and historical rate trends, the General Assembly determines that the
13 rate of contribution for the direct calendar year premium for workers'
14 compensation insurance shall remain at the rate of 1.4 percent. The
15 contribution rate for self-insured workers' compensation losses and workers'
16 compensation losses of corporations approved under 21 V.S.A. chapter 9 shall
17 remain at one percent.

18 Sec. 10e. FRONT-LINE EMPLOYEES HAZARD PAY GRANT

19 PROGRAM

20 (a) The purpose of this section is to appropriate \$20,000,000.00 from the
21 Coronavirus Relief Fund to provide grants to certain employers for the

1 provision of hazard pay to front-line workers whose job placed them at an
2 elevated risk of exposure to SARS-CoV-2 or COVID-19, or both, during the
3 first two months of the COVID-19 public health emergency in Vermont.

4 (b) There is established in the Agency of Administration the Front-Line
5 Employees Hazard Pay Grant Program to administer and award grants to
6 certain public safety, public health, health care, and human services employers
7 whose employees were engaged in activities substantially dedicated to
8 mitigating or responding to the COVID-19 public health emergency during the
9 eligible period. The Agency shall administer this program in a way that is
10 consistent with the provisions of Secs. 12–15 of this act and section 5001 of
11 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136
12 (the CARES Act), as may be amended, and any guidance or regulations issued
13 pursuant to that section.

14 (c) As used in this section:

15 (1) “Agency” means the Agency of Administration

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

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

19 (ii) a nursing home as defined in 33 V.S.A. § 7102 and any
20 employer that a nursing home has contracted with for the provision of physical,
21 speech, respiratory, or occupational therapy, provided that such an employer

1 shall only be permitted to receive a grant to provide hazard pay to its
2 employees for therapy services provided in the nursing home;

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

4 (iv) a therapeutic community residence as defined in 33 V.S.A.
5 § 7102;

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

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

9 (vii) a homeless shelter;

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

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

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

20 (xi) an ambulance service or first responder service as defined in
21 24 V.S.A. § 2651;

1 (xii) a morgue; or

2 (xiii) a provider of necessities and services to vulnerable or

3 disadvantaged populations.

4 (B) “Covered employer” does not include:

5 (i) the State;

6 (ii) a political subdivision of the State;

7 (iii) the United States;

8 (iv) an agency designated to provide mental health or

9 developmental disability services, or both, pursuant to 18 V.S.A. chapter 207;

10 or

11 (v) an agency with which the Commissioner of Mental Health or

12 of Disabilities, Aging, and Independent Living, or both, has contracted to

13 provide specialized services pursuant to 18 V.S.A. § 8912.

14 (3)(A) “Elevated risk of exposure to COVID-19” means the

15 performance of a job that:

16 (i) has high potential for exposure to known or suspected sources

17 of COVID-19, including through:

18 (I) providing in-person services or care to members of the

19 public or clients; or

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

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

7 (iii) is located in an area with ongoing community transmission of
8 SARS-CoV-2 and requires regular, close contact with members of the public.

9 (B) As used in this subdivision (b)(2), “close contact” means
10 interactions with another individual that require the employee to be within six
11 feet of that individual.

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

13 (i) is employed by a covered employer that has applied for a grant
14 through the Program;

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

17 (iii) was unable to perform his or her job remotely or to telework,
18 including by providing healthcare or other services by telephone,
19 videoconference, or telehealth;

20 (iv) except in the case of employees of home health agencies and
21 nursing homes, earns an hourly base wage of \$25.00 or less;

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

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

6 (B) Notwithstanding subdivision (A)(i) of this subdivision (4),
7 “eligible employee” includes an independent direct support provider who
8 satisfies the requirements of subdivisions (A)(ii)–(vi) of subdivision (4) of this
9 section.

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 (5) “Eligible period” means the period from March 13, 2020 through
15 May 15, 2020, inclusive.

16 (6) “Independent direct support provider” has the same meaning as in
17 21 V.S.A. § 1631.

18 (7) “Program” means the Front-Line Employees Hazard Pay Grant
19 Program.

20 (8) “Secretary” means the Secretary of Administration.

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

4 (A) \$1,400.00 for eligible employees who worked at least 216 hours
5 in a job with an elevated risk of exposure to COVID-19 during the eligible
6 period; and

7 (B) \$800.00 for employees who worked at least 68 hours and less
8 than 216 hours in a job with an elevated risk of exposure to COVID-19 during
9 the eligible period.

10 (2)(A) The number of hours worked by an eligible employee during the
11 eligible period shall include any hours of employer-provided accrued paid
12 leave or leave provided pursuant to the Emergency Family and Medical Leave
13 Expansion Act or the Emergency Paid Sick Leave Act that were used by the
14 eligible employee because he or she contracted COVID-19 or was quarantined
15 because of exposure to COVID-19.

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

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

1 (ii) any hours of remote or telework performed by the eligible
2 employee, including the provision of healthcare or other services by telephone,
3 videoconference, or telehealth.

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

7 (4) For the sole purpose of the administration of the Program and the
8 provision of hazard pay to independent direct support providers, ARIS
9 Solutions, as the fiscal agent for the employers of the independent direct
10 support providers, shall have the authority to apply for a grant in the same
11 manner as a covered employer and to disburse hazard pay funded by that grant
12 to eligible independent direct support providers.

13 (e) In order to qualify for a grant under the Program, the Secretary shall
14 require a covered employer to certify that:

15 (1) the grant funds shall only be used to provide hazard pay to eligible
16 employees;

17 (2) eligible employees receiving hazard pay funded by the grant shall
18 not be required to pay an administrative fee or other charge in relation to the
19 employer requesting a grant to provide the employee with hazard pay;

20 (3) it has established a process to permit eligible employees to elect not
21 to receive hazard pay funded by a grant provided pursuant to the Program and

1 record keeping procedures to track which employees have elected not to
2 receive a grant; and

3 (4) the covered employer shall not reduce or otherwise recoup any
4 compensation paid to or owed to an eligible employee for work performed
5 during the eligible period as a result of the eligible employee receiving hazard
6 pay funded by a grant obtained through the Program.

7 (f) The amount of the grant provided to a covered employer shall equal the
8 total amount of hazard pay that its eligible employees qualify for pursuant to
9 subsection (d) of this section.

10 (g) Each covered employer that receives a grant shall, not later than
11 90 days after receiving the grant and in no event later than December 1, 2020,
12 report to the Agency on a standard form provided by the Secretary the amount
13 of grant funds used to provide hazard pay to eligible employees and the
14 amount of any remaining grant funds that were not spent. All unspent grant
15 funds shall be returned to the Agency pursuant to a procedure adopted by the
16 Secretary.

17 (h) The Secretary shall:

18 (1) adopt procedures for implementing the Program, which shall include
19 a simple grant application process and a process to allow employers to report
20 on their use of the grant funds awarded pursuant to this section;

1 (2) promote awareness of the Program, including through coordination
2 with relevant trade groups and with the Agencies of Commerce and
3 Community Development and of Human Services and the Department of
4 Public Safety;

5 (3) award grants to covered employers on a first-come, first-served
6 basis, subject to available funding; and

7 (4) adopt measurable goals, performance measures, and an audit strategy
8 to assess the utilization and performance of the Program.

9 (i) In addition to any other reports required pursuant to this act, on or
10 before November 15, 2020, the Secretary shall submit a report to the General
11 Assembly concerning the implementation of this section, including:

12 (1) a description of the policies and procedures adopted to implement
13 the Program;

14 (2) the promotion and marketing of the Program; and

15 (3) an analysis of the utilization and performance of the Program.

16 (j) Appropriation.

17 (1) The amount of \$20,000,000.00 is appropriated in fiscal year 2021
18 from the Coronavirus Relief Fund to the Agency for use in fiscal year 2021 for
19 the administration and payment of grants pursuant to the Front-Line
20 Employees Hazard Pay Grant Program established in subsection (b) of this
21 section.

1 (2) Any unexpended funds remaining after October 15, 2020 shall revert
2 to the Coronavirus Relief Fund for reallocation.

3 and that after passage the title of the bill be amended to read: “An act
4 relating to COVID-19 funding and assistance for broadband connectivity,
5 housing, and economic relief”