

Section-by-Section Summary of S.346 as Passed the Senate

Prepared by Damien Leonard, Office of Legislative Council

Sec. 1. Definitions

- Key definitions:
 - Program Period is 3/13/2020 through 5/15/2020.
 - Covered employers:
 - grocery store;
 - pharmacy;
 - retailer identified as essential in Executive Order 01-20 that is open to the general public for in-person sales (not just curbside pickup/delivery);
 - wholesale distributor making deliveries to one of the retailers listed above;
 - waste management service;
 - janitorial service that provides cleaning services to another covered employer;
 - assisted living residence;
 - nursing home (includes employees of outside contractors that provide rehab services on behalf of nursing home);
 - residential care home;
 - therapeutic community residence;
 - health care facility or doctor's office;
 - childcare facility that is providing childcare to essential workers pursuant to Executive Order 01-20;
 - vocational rehabilitation service provider;
 - dentist's office;
 - homeless shelter;
 - home health agency (includes employees of outside contractors that provide rehab services on behalf of agency);
 - federally qualified health center, rural health clinic, or clinic for the uninsured;
 - program licensed by DCF as a residential treatment program;
 - ambulance/first responder service;
 - funeral home or crematory establishment; or
 - provider of necessities/services to vulnerable or disadvantaged populations.
 - "Covered employer" does not include State, municipalities, or federal government.
 - Eligible employee is an individual who:
 - Works for a covered employer
 - Performs a job whose principal function is:
 - Providing in-person service to the public or clients;
 - Cleaning or sanitizing a location open to the public;
 - Stocking products in a location open to the public; or
 - Performing work that results in a similarly elevated risk of exposure to COVID-19;
 - Is unable to perform job remotely or to telework;
 - Actively performed principal function of job during Program Period;
 - Earns \$25/hour or less (except nursing home and HHA employees);
 - Worked at least 34 hours for employer during monthly period; and
 - Is not eligible for hazard pay pursuant to a federal program.
 - "Eligible employee" does not include self-employed and independent contractors

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Sec. 2. Essential Employees Hazard Grant Program

- Establishes Grant Program under the supervision of Secretary of Administration.
- Provides Secretary with authority to contract with private entities and utilize State resources as necessary to implement the Program.
- Provides that grants for employees of home health agencies and nursing homes will be administered in cooperation with AHS, DAIL, and DVHA.
- Allows Secretary to enter into sole source contracts and bypass regular bidding process.
- Provides that Secretary may adopt requirements, guidelines, and procedures to implement Program, but will not be required to initiate rulemaking.

Sec. 3. Safeguarding Personal Information

- Requires that all personally identifiable information (PII) be kept confidential and makes it exempt from Public Records Act.
- Requires Secretary to ensure that State entities and contractors implement safeguards to protect PII and comply with State laws regarding protection of PII.

Sec. 4. Grants; Payment; Income Tax Withholding

- Establishes monthly grant amounts:
 - \$1,000 for eligible employees that work at least 108 hours in a monthly period; and
 - \$600 for eligible employees that work at least 34 hours but less than 108 hours in a monthly period.
- Hours worked include hours of leave used if employee is quarantined because of or contracts COVID-19.
- Hours worked does not include leave to care for another person or time spent working remotely.
- Employees that work for multiple covered employers may receive up to 2 grants per monthly period.
- Employers shall distribute grant checks to eligible employees.
 - ARIS shall distribute grant checks to independent direct support providers.
- Secretary may prorate grant amounts for second monthly period if funding is insufficient to pay full amount of grant requests.
- Grants are subject to income tax withholding but not FICA.

Sec. 5. Application Required Information

- Employers enroll in the program and submit grant requests for their eligible employees
 - Employers determine which employees are eligible.
 - Employers must agree to make their books and records available to Secretary and AG as a condition of enrollment in the program in order to allow audits of grant claims.
 - Employers must agree not to reduce compensation of eligible employees during Program Period.
 - ARIS will submit grant requests for independent direct support providers.
- Employers are not required to enroll in the Program and are not liable to their employees if they elect not to enroll or fail to request a grant that an employee might have been entitled to.

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Sec. 6. Grants for Eligible Home Health and Nursing Home Employees

- Grants administered by AHS, DAIL, and DVHA in consultation with Sec. of Administration.
- Grant amounts and hours requirements are same as for other eligible employees.
- Employees of HHAs and Nursing Homes are not subject to the \$25/hour cap
- Parameters of grant payments under this section will be determined by Secretary in consultation with AHS, DAIL, and DVHA.
- Payments are also open to individuals providing rehabilitation services on behalf of HHA or nursing home who have engaged in direct patient contact during the Program Period.
- Grants paid under this section are subject to income tax withholding but not FICA.

Sec. 7. Reports; Audit

- Requires entities that Sec. of Administration contracts with to provide monthly reports.
- Requires a report to Joint Fiscal Committee on Program by 10/1/2020.
- Requires contractors to keep books and records available for audit for 3 years and to make them available to Secretary, AG, Auditor, or any State or federal authority with jurisdiction.

Sec. 8. Fraud; Enforcement

- A false statement to obtain or increase a grant for an eligible employee is subject to enforcement by the AG as an unfair act in commerce.

Sec. 9. Appropriation; Intent; Federal Funds

- Appropriates \$60million from the Coronavirus Relief Fund for Program
- Makes expenditure of funds contingent on the absence of a federal program providing support to eligible employees or covered employers.
- Unexpended funds revert to the Coronavirus Relief Fund.

Sec. 10. AOT; Transit Agencies; Benefits to Essential Workers

- Encourages AOT, in consultation with transit agencies, to develop a plan to use CARES Act funding to provide increased compensation to drivers and other employees that provide in-person service.

Sec. 11. Municipalities; Hazard Pay for Essential Workers

- Encourage municipalities to use a portion of any State grants for COVID-19 related expenses to provide increased compensation for municipal employees whose jobs placed them at increased risk of exposure to COVID-19.

Sec. 12. Covered Employers; Hazard Pay for Essential Workers Not Covered by Program

- Encourages covered employers to utilize their own resources and any available grant funding to provide increased compensation to employees who are at increased risk of exposure to COVID-19 but are not eligible for a grant through the Program.

Sec. 13. Effective on Passage