

1 H.966

2 Representatives Bancroft of Westford, Carroll of Bennington, Dickinson of  
3 St. Albans Town, Jerome of Brandon, Kimbell of Woodstock, Marcotte of  
4 Coventry, Morris of Springfield, O’Sullivan of Burlington, Ralph of Hartland,  
5 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 \$202,830,100.00 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 \$91,700,000 for economic relief to businesses and individuals.

14 Second: Following Sec. 10, by inserting reader assistance and new Secs.  
15 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 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 (i) recovering from verifiable losses incurred due to the COVID-  
9 19 public health emergency; and

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

13 (2) \$5,000,000 to the Vermont Community Loan Fund, of which the  
14 Fund shall allocate \$2,500,000 to issue grants of not less than \$1,500 and not  
15 more than \$10,000 to woman-owned businesses, and \$2,500,000 to issue  
16 grants of not less than \$1,500 and not more than \$10,000 to minority-owned  
17 businesses, to address economic harm suffered due to the COVID-19 public  
18 health emergency.

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

1                   (i) The business suffered a 50 percent or greater reduction in  
2 revenue in a monthly or quarterly period from March 1, 2020 to September 1,  
3 2020 as compared to the same period in 2019.

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

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

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

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

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

19                   (D) The Vermont Commission on Women and a host nonprofit that  
20 works with minority businesses shall conduct outreach within their respective

1 business communities and provide support for applicants as they research and  
2 apply for the grants.

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

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

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

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

20 (A) The Agency shall issue a request for proposals to service  
21 providers to establish a group of Recovery Navigators qualified to provide

1 businesses with assistance in revising business models, business and financial  
2 planning, and grant and loan writing support.

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

6 (i) operational expertise and ability in helping businesses  
7 modernize current operating practices;

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

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

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

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

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

1           (6) \$1,000,000 to the Department of Housing and Community  
2           Development for grants to communities through the Better Places Program to  
3           purchase or lease equipment, including masks, sanitizing stations, hands free  
4           door pulls, outdoor tables and chairs, and other items used towards public  
5           safety measures and the mitigation of the spread of COVID-19, while enabling  
6           local businesses and organizations to reopen.

7           (7) \$70,000,000 to the Agency of Commerce and Community  
8           Development, in consultation with the Department of Taxes, to allocate for  
9           additional emergency economic recovery grants pursuant to Secs. 2–3 of S.350  
10          (2020), as enacted, subject to the approval of the Joint Fiscal Committee and to  
11          the following:

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

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

20           (8) \$1,500,000 to the Agency of Natural Resources for grants through  
21           the Outdoor Recreation Business Assistance Program.

1           (9) \$100,000 to Vermont Public Radio and \$100,000 to Vermont Public  
2 Television to address additional costs incurred due to the COVID-19 public  
3 health emergency.

4           (10) \$5,000,000 to Southeastern Vermont Community Action to act as  
5 fiscal agent for a program, Restaurants and Farmers Feeding the Hungry, the  
6 purpose of which is to provide assistance to Vermonters who are food insecure  
7 due to the COVID-19 public health emergency by engaging Vermont  
8 restaurants that have suffered economic harm due to the COVID-19 public  
9 health emergency to prepare meals using foodstuffs purchased from Vermont  
10 farms and food producers.

11           (A) SEVCA shall collaborate with the Agency of Commerce and  
12 Community Development; the Agency of Agriculture, Food and Markets; the  
13 Agency of Human Services; the Department of Public Safety; the Community  
14 Action Agencies; the Vermont Food Bank; Hunger Free Vermont; the  
15 Vermont Hunger Council; the Sustainable Jobs Fund/Farm to Plate; the  
16 Vermont Community Foundation; the Downtown Brattleboro Alliance;  
17 Shiftmeals; Mama Sezz; and others.

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

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

1                    (ii) engage a broad range of restaurants of various sizes to produce  
2                    meals;

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

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

7                    (11) \$5,000,000 to the Vermont Arts Council for grants to nonprofit arts  
8                    and cultural organizations that have suffered a 50 percent or greater reduction  
9                    in revenue in a monthly or quarterly period from March 1, 2020 to September  
10                   1, 2020 as compared to the same period in 2019. As used in this subdivision,  
11                   “revenue” does not include tax-deductible charitable donations.

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

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

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

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

19                   (B) to commit to expending grant funds on or before December 20,

20                   2020;



1           (C) if a business organization, that it is domiciled or has its primary  
2           place of business in Vermont, as determined pursuant to guidelines adopted by  
3           the Agency of Commerce and Community Development pursuant to S.350  
4           (2020), as enacted; and

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

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

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

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

20           (d) Prohibition on multiple sources of funding.

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

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

6                   (B) A business that receives a grant of Coronavirus Relief Fund  
7           monies from a program or source that is not authorized in this section is  
8           ineligible for an additional grant from among the programs and sources  
9           authorized in this section.

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

15           Sec. 10B. OUTDOOR RECREATION BUSINESS ASSISTANCE

16           PROGRAM; COVID-19 PUBLIC HEALTH PRECAUTIONS

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

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

21                   (1) “Outdoor recreation business” means any person conducting a

1 business or a service within the State that offers outdoor recreation as the  
2 principle part of the business or service, including outdoor outfitters, fishing  
3 guides, snowmobile tours, ski tours, and other eligible activities approved by  
4 the Secretary. An “outdoor recreation business” includes for-profit businesses,  
5 not-for-profit businesses, and charitable organizations organized under 26  
6 U.S.C. § 501(c)(3).

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

8 (c) Program establishment.

9 (1) The Secretary shall establish an Outdoor Recreation Business  
10 Assistance Program (Program) to provide grants to outdoor recreation  
11 businesses for costs or expenses necessary to comply with or implement  
12 COVID-19 public health precautions, including costs or expenses related to  
13 one or more of the following:

14 (A) cleaning or disinfection services or equipment;

15 (B) personal protection equipment for staff, customers, or  
16 participants;

17 (C) symptom monitoring or diagnosis to ensure safe participation by  
18 customers or participants;

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

1           (E) temporary staff housing necessary to maintain public health  
2           precautions;

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

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

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

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

10          (B) accurately demonstrate to the Secretary or the Secretary's  
11          designee eligible costs or expenses that the outdoor recreation business  
12          incurred or will incur on or after March 1, 2020 and before December 20,  
13          2020.

14          (e) Implementation and administration.

15          (1) The Secretary shall administer the Program and may implement the  
16          Program by:

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

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

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

1 eligible activities.

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

9 (e) Application; processing.

10 (1) The Secretary or the Secretary’s designee shall create an application  
11 form that outdoor recreation businesses shall utilize when applying for an  
12 award. Applicants shall certify that all information they provide is truthful and  
13 accurate to the best of their knowledge, information, and belief.

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

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

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

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

11           (g) Program terms and limitations.

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

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

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

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

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

11          § 2799. BETTER PLACES PROGRAM; CROWD GRANTING

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

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

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

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

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

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

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

3           (4) any interest earned by the Fund.

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

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

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

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



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

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

9       (g) Beginning on January 15, 2021, and annually thereafter, the Department  
10       of Housing and Community Development shall submit to the Senate  
11       Committee on Economic Development, Housing and General Affairs and the  
12       House Committee on Commerce and Economic Development an annual report  
13       regarding the activities and progress of the Better Places program. The report  
14       shall:

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

17               (2) report on partner resources and contributions to the program; and

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

1       Sec. 10D. WORKERS' COMPENSATION RATE OF CONTRIBUTION

2           For fiscal year 2021, after consideration of the formula in 21 V.S.A.  
3       § 711(b) and historical rate trends, the General Assembly determines that the  
4       rate of contribution for the direct calendar year premium for workers'  
5       compensation insurance shall remain at the rate of 1.4 percent. The  
6       contribution rate for self-insured workers' compensation losses and workers'  
7       compensation losses of corporations approved under 21 V.S.A. chapter 9 shall  
8       remain at one percent.

9       Sec. 10E. FRONT-LINE EMPLOYEES HAZARD PAY GRANT

10                   PROGRAM

11           (a) The purpose of this section is to appropriate \$20,000,000.00 from the  
12       Coronavirus Relief Fund to provide grants to certain employers for the  
13       provision of hazard pay to front-line workers whose job placed them at an  
14       elevated risk of exposure to SARS-CoV-2 or COVID-19, or both, during the  
15       first two months of the COVID-19 public health emergency in Vermont.

16           (b) There is established in the Agency of Administration the Front-Line  
17       Employees Hazard Pay Grant Program to administer and award grants to  
18       certain public safety, public health, health care, and human services employers  
19       whose employees were engaged in activities substantially dedicated to  
20       mitigating or responding to the COVID-19 public health emergency during the  
21       eligible period. The Agency shall administer this program in a way that is

1 consistent with the provisions of **Secs 12–15** of this act and section 5001 of  
2 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116–136  
3 (the CARES Act), as may be amended, and any guidance or regulations issued  
4 pursuant to that section.

5 (c) As used in this section:

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

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

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

10 (ii) a nursing home as defined in 33 V.S.A. § 7102;

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

12 (iv) a therapeutic community residence as defined in 33 V.S.A.

13 § 7102;

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

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

17 (vii) a homeless shelter;

18 (viii) a home health agency as defined in 33 V.S.A. § 6302;

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

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

3                   (xi) an ambulance service or first responder service as defined in  
4                   24 V.S.A. § 2651;

5                   (xii) a morgue; or

6                   (xiii) a provider of necessities and services to vulnerable or  
7                   disadvantaged populations.

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

9                   (i) the State;

10                  (ii) a political subdivision of the State;

11                  (iii) the United States;

12                  (iv) an agency designated to provide mental health or  
13                  developmental disability services, or both, pursuant to 18 V.S.A. chapter 207;  
14                  or

15                  (v) an agency with which the Commissioner of Mental Health or  
16                  of Disabilities, Aging, and Independent Living, or both, has contracted to  
17                  provide specialized services pursuant to 18 V.S.A. § 8912.

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

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

1                   (I) providing in-person services or care to members of the  
2                   public or clients; or

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

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

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

11                  (B) As used in this subdivision (b)(2), “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 employed by a covered employer that has applied for a grant  
16                  through the Program;

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

19                  (iii) was unable to perform his or her job remotely or to telework,  
20                  including by providing healthcare 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 an hourly base wage of \$25.00 or less;

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

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

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

12                   (C) “Eligible employee” does not include:

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

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

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

18                   (6) “Independent direct support provider” has the same meaning as in  
19                   21 V.S.A. § 1631.

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

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

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

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

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

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

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

19                   (i) any hours of employer-provided accrued paid leave or leave  
20           provided pursuant to the Emergency Family and Medical Leave Expansion Act

1 or the Emergency Paid Sick Leave Act that were used by the eligible employee  
2 to care for another individual; and

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

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

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

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

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

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



1           (3) it has established a process to permit eligible employees to elect not  
2           to receive hazard pay funded by a grant provided pursuant to the Program and  
3           recordkeeping procedures to track which employees have elected not to receive  
4           a grant; and

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

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

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

19          (h) The Secretary shall:

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

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

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

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

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

15           (1) a description of the policies and procedures adopted to implement  
16           the Program;

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

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

19           (j) Appropriation.

20           (1) The amount of \$20,000,000.00 is appropriated in fiscal year 2021  
21           from the Coronavirus Relief Fund to the Agency for use in fiscal year 2021 for

1 the administration and payment of grants pursuant to the Front-Line  
2 Employees Hazard Pay Grant Program established in subsection (b) of this  
3 section.

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

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