

1 Introduced by Committee on Appropriations

2 Date:

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

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

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

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

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

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

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

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

12 PROGRAM

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

19 (2) The sum of \$28,000,000.00 is appropriated from the Coronavirus
20 Relief Fund to the Agency of Human Services in fiscal year 2021 for the

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

3 (b) As used in this section:

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

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

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

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

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

14 (iv) a therapeutic community residence as defined in 33 V.S.A.
15 § 7102;

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

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

19 (vii) a homeless shelter, including a lodging establishment as
20 defined in 18 V.S.A. § 4301, that, during the eligible period, provided

1 temporary housing to homeless individuals pursuant to an agreement with the
2 Department for Children and Families;

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

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

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

13 (xi) an ambulance service or first responder service as defined in
14 24 V.S.A. § 2651;

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

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

18 (xiv) a cleaning or janitorial service that provides cleaning or
19 janitorial services to a covered employer listed in subdivisions (i)–(v) and
20 (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general
21 public or regularly used by the residents or patients of that covered employer.

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

10 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 * * *

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

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

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

14 * * *

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

18 * * *

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

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

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

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

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

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

15 * * *

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

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

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

3 * * *

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

10 * * *

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

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

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

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

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

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

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

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

2 1 of this act.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on passage.