

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
2 "An act relating to the finances of the State government;
3 providing for cancer control, prevention and research, for
4 ambulatory surgical center data collection, for the Joint
5 Underwriting Association, for entertainment business
6 financial management firms, for private dam financial
7 assurance and for reinstatement of item vetoes; providing for
8 the settlement, assessment, collection, and lien of taxes,
9 bonus, and all other accounts due the Commonwealth, the
10 collection and recovery of fees and other money or property
11 due or belonging to the Commonwealth, or any agency thereof,
12 including escheated property and the proceeds of its sale,
13 the custody and disbursement or other disposition of funds
14 and securities belonging to or in the possession of the
15 Commonwealth, and the settlement of claims against the
16 Commonwealth, the resettlement of accounts and appeals to the
17 courts, refunds of moneys erroneously paid to the
18 Commonwealth, auditing the accounts of the Commonwealth and
19 all agencies thereof, of all public officers collecting
20 moneys payable to the Commonwealth, or any agency thereof,
21 and all receipts of appropriations from the Commonwealth,
22 authorizing the Commonwealth to issue tax anticipation notes
23 to defray current expenses, implementing the provisions of
24 section 7(a) of Article VIII of the Constitution of
25 Pennsylvania authorizing and restricting the incurring of
26 certain debt and imposing penalties; affecting every
27 department, board, commission, and officer of the State
28 government, every political subdivision of the State, and
29 certain officers of such subdivisions, every person,
30 association, and corporation required to pay, assess, or
31 collect taxes, or to make returns or reports under the laws
32 imposing taxes for State purposes, or to pay license fees or
33 other moneys to the Commonwealth, or any agency thereof,

1 every State depository and every debtor or creditor of the
2 Commonwealth," in emergency COVID-19 response, establishing
3 the COVID-19 Nonprofit Hazard Pay Grant Program.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The act of April 9, 1929 (P.L.343, No.176), known
7 as The Fiscal Code, is amended by adding a section to read:

8 Section 134-C. COVID-19 Nonprofit Hazard Pay Grant Program.

9 (a) Use of funds.--From money appropriated for COVID Relief
10 - Hazard Pay, \$100,000,000, in addition to any other money made
11 available to the Commonwealth for COVID-19 relief, shall be
12 transferred by the State Treasurer to the department for the
13 purpose of making grants under this section.

14 (b) Establishment of program.--The COVID-19 Nonprofit Hazard
15 Pay Grant Program is established within the department to
16 provide hazard pay to employees of a nonprofit corporation that
17 serves a charitable purpose.

18 (c) Eligibility.--

19 (1) The following shall be eligible to apply for grants
20 under the program:

21 (i) A nonprofit corporation serving a charitable
22 purpose.

23 (ii) A purely public charity serving a charitable
24 purpose.

25 (iii) A nonprofit health care organization.

26 (iv) A frontline employee whose eligible employer
27 has not applied for a grant under the program on behalf
28 of the frontline employee.

29 (2) In order to be eligible to receive a grant under the
30 program, a nonprofit corporation serving a charitable purpose
31 or a purely public charity serving a charitable purpose shall

1 be located within this Commonwealth and operate or conduct
2 any of the following:

3 (i) Care or assistance organization for individuals
4 with disabilities.

5 (ii) A food bank.

6 (iii) A homeless shelter.

7 (iv) Any other nonprofit corporation providing human
8 services to benefit those impacted by COVID-19 or other
9 vital human services.

10 (3) In order to be eligible to receive a grant under the
11 program, a health care provider shall be located within this
12 Commonwealth and operate or conduct any of the following:

13 (i) Health care or social assistance.

14 (ii) A nursing or residential care facility.

15 (iii) Residential care for individuals with physical
16 disabilities.

17 (iv) A mental health or substance abuse facility.

18 (v) A mental health, psychiatric or substance abuse
19 hospital or other facility.

20 (vi) A general medical or surgical hospital.

21 (vii) A psychiatric or substance abuse hospital.

22 (viii) Ambulatory health care services.

23 (ix) A physician's office.

24 (x) A dentist's office.

25 (xi) Any other office of a health practitioner.

26 (xii) An outpatient care center.

27 (xiii) A medical or diagnostic laboratory.

28 (xiv) Home health care services.

29 (xv) A pharmacy.

30 (xvi) Any other health care services.

1 (d) Application process.--

2 (1) In order to apply for a grant under the program, an
3 employer shall submit the department's electronic single
4 application for assistance and provide all of the following
5 in the application:

6 (i) A project narrative, including all of the
7 following:

8 (A) Industry category.

9 (B) A brief description of the charitable
10 purpose the employer provides to the public.

11 (C) The employer's location in this
12 Commonwealth.

13 (ii) Changes to the operations and hours of the
14 employer due to the COVID-19 disaster emergency.

15 (iii) How the employer has adjusted operations to
16 meet the safety requirements of the Centers for Disease
17 Control and Prevention and the Department of Health
18 regarding COVID-19 and limited contact with the public
19 when possible.

20 (iv) The number of employees not working due to
21 testing positive for COVID-19, caring for a family member
22 with COVID-19 or lack of child care.

23 (v) Whether the employer is currently providing
24 hazard pay for the employer's employees.

25 (vi) The amount of the grant request.

26 (vii) A brief description of how the grant funds
27 will be used to increase hazard pay, including the
28 following information:

29 (A) The number of the employer's full-time
30 equivalent frontline employees eligible for hazard

1 pay.

2 (B) The job types of the employer's full-time
3 equivalent frontline employees eligible for hazard
4 pay and the reason why the employees must remain
5 frontline employees during the COVID-19 disaster
6 emergency.

7 (C) The hourly rate of the employer's employees,
8 excluding fringe benefits.

9 (2) The department shall evaluate an application for a
10 grant under the program using the following criteria:

11 (i) Risk of exposure by industry.

12 (ii) The location and prevalence of COVID-19.

13 (iii) The average hourly wage paid by the employer.

14 (3) The department shall prioritize applications for
15 grants under the program in accordance with the Worker
16 Exposure Risk to COVID-19 released by the Occupational Safety
17 and Health Administration and based on the following:

18 (i) Employees with a high potential for exposure to
19 known or suspected sources of COVID-19 during specific
20 medical, postmortem or laboratory procedures, including
21 employees performing aerosol-generating procedures or
22 collecting or handling specimens from potentially
23 infectious COVID-19 individuals.

24 (ii) Employees with a high potential for exposure to
25 known or suspected sources of COVID-19, including
26 employees that provide health care delivery and support
27 or medical transport to potentially infectious COVID-19
28 individuals.

29 (iii) Employees that are in frequent close contact
30 with individuals who may be infected with COVID-19, but

1 who are not known or suspected individuals with COVID-19.
2 Employees under this subparagraph shall include employees
3 who may have been in contact with the general public,
4 employees returning from locations with widespread COVID-
5 19 transmission and employees who do not have the ability
6 to socially distance at their place of employment.

7 (iv) Employees that do not require contact with
8 individuals who may be infected with COVID-19, including
9 employees that have minimal occupational contact with the
10 public or other coworkers.

11 (4) The department shall only consider complete
12 applications for grants under the program. An incomplete
13 application shall not be considered by the department and
14 shall be withdrawn.

15 (5) The department shall designate a time for receipt of
16 applications for grants under the program.

17 (6) After the approval of an application by the
18 department, the department shall electronically issue a grant
19 agreement to the applicant explaining the terms and
20 conditions of the grant along with the Federal Funding
21 Accountability and Transparency Act of 2006 (Public Law 109-
22 282, 120 Stat. 1186) form. The applicant shall electronically
23 sign and return the grant agreement to the department within
24 30 days. If the applicant fails to electronically sign and
25 return the grant agreement to the department within 30 days,
26 the grant agreement may be withdrawn by the department. The
27 applicant shall return the Federal Funding Accountability and
28 Transparency Act of 2006 form under this paragraph with the
29 signed grant agreement to the department. If the applicant
30 fails to return the Federal Funding Accountability and

1 Transparency Act of 2006 form under this paragraph, the
2 department may not process the grant agreement. The
3 department shall return a fully executed copy of the grant
4 agreement to the applicant with a grant payment request form
5 and instructions for requesting a grant payment. An applicant
6 may submit a grant payment request with support documentation
7 at the end of the eligible period seeking reimbursement for
8 actual hazard pay expenditures by a date established by the
9 department. The support documentation under this paragraph
10 shall include a signed hazard pay report with the names of
11 the employees, pay date, pay period covered, regular pay,
12 hazard pay, proof of payment and a description of duties of
13 the employees.

14 (7) The department shall transmit the guidelines
15 detailing the application process for the program to the
16 Legislative Reference Bureau for publication in the
17 Pennsylvania Bulletin and post the guidelines on the
18 department's publicly accessible Internet website.

19 (e) Certification.--

20 (1) An employer that receives a grant under the program
21 shall certify compliance with all of the following
22 requirements to the department:

23 (i) The employer pays the employer's employees at
24 least the minimum wage under the act of January 17, 1968
25 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

26 (ii) The employer pays the employer's share of the
27 Federal FICA tax obligations for the hazard pay.

28 (iii) The employer adheres to the Centers for
29 Disease Control and Prevention guidelines and Department
30 of Health regulations and guidelines for reopening under

1 the Governor's phased reopening plan to protect frontline
2 employees from contracting COVID-19.

3 (iv) The employer complies with all relevant laws,
4 regulations and orders of this Commonwealth during the
5 period of the COVID-19 disaster emergency, including, but
6 not limited to, orders by the Governor, Secretary of
7 Health or other public officials authorized to take
8 actions to mitigate the COVID-19 disaster emergency.

9 (2) An employer that fails to comply with the
10 requirements under paragraph (1) shall be ineligible for
11 grants under the program and may be required to return all,
12 or a portion, of the grants awarded to the employer under the
13 program.

14 (f) System requirements.--In order to be eligible for a
15 grant under the program, an employer shall have a data universal
16 numbering system number and be registered with the Federal
17 Government's system for award management.

18 (g) Administration of hazard pay.--

19 (1) An employer that receives a grant under the program
20 shall use the grant money to provide hazard pay to an
21 employee for a 10-week period as designated by the department
22 at a rate of an additional \$3 per hour of the employee's
23 regular pay rate.

24 (2) Hazard pay provided to an employee shall be in
25 addition to any eligible overtime and other benefits,
26 including employer-paid hazard pay. Hazard pay may not
27 supplant the current compensation of an employee or supplant
28 any scheduled increase to the current compensation of an
29 employee.

30 (3) An employer shall provide hazard pay to an employee

1 according to the employee's regular pay schedule. An employer
2 may not withhold hazard pay from an employee and provide the
3 hazard pay to the employee in a later lump sum.

4 (4) In order to determine the maximum grant request
5 under the program, an employer shall calculate the number of
6 the employer's full-time equivalent employees during a 10-
7 week period who are eligible to receive hazard pay.

8 (5) An employer may apply for a grant under the program
9 to provide hazard pay for no more than 500 eligible full-time
10 equivalent employees per location with a maximum of a
11 \$600,000 grant per location.

12 (6) Notwithstanding any other provision of law, the
13 receipt of a grant under the program shall not affect an
14 employer's eligibility for a grant or the amount of a grant
15 provided under any other laws of this Commonwealth.

16 (7) Grant funds under the program may be used for hazard
17 pay for full-time equivalent frontline employees, excluding
18 fringe benefits and overtime, during the 10-week period
19 determined by the department.

20 (8) Hazard pay shall only be used for frontline
21 employees facing the hazards of COVID-19 and who have
22 continued working through the Governor's 20200319 TWW COVID-
23 19 Business Closure Order for a life-sustaining business or a
24 business that received a waiver from the Governor's 20200319
25 TWW COVID-19 Business Closure Order by the department.

26 (h) Limitations.--

27 (1) An employer that submits an application to the
28 department for a grant under the program shall not be
29 eligible for reimbursement for the administrative costs to
30 submit and complete the application.

1 (2) An employer may not provide hazard pay for any hours
2 worked by an employee in excess of 40 hours in a week.

3 (3) The department may not award a grant under the
4 program in excess of \$1,200 per eligible full-time equivalent
5 employee.

6 (4) An employer may receive more than \$3,000,000 in
7 grant funding under the program. A health care nonprofit
8 organization applicant representing frontline employees may
9 not receive more than \$3,000,000 in grant funding under the
10 program. A health care nonprofit organization that submits an
11 application for a grant under the program on behalf of the
12 organization's employees shall be eligible for grant money to
13 health care employees directly employed by qualified
14 participants in State Medicaid long-term support and services
15 programs.

16 (i) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:

19 "Charitable purpose." The relief of poverty, providing food
20 to those in need, the prevention and treatment of disease or
21 injury, including mental retardation and mental disorders and
22 any other purpose the accomplishment of which is recognized as
23 important and beneficial to the public by the department during
24 the COVID-19 disaster emergency.

25 "COVID-19." The novel coronavirus disease of 2019. An
26 infectious disease caused by severe acute respiratory syndrome
27 coronavirus 2 that was first identified during December 2019 in
28 Wuhan, China.

29 "COVID-19 disaster emergency." The disaster emergency as
30 described in the proclamation of disaster emergency issued by

1 the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March
2 21, 2020), and any renewal of the state of disaster emergency.

3 "Department." The Department of Community and Economic
4 Development of the Commonwealth.

5 "Employee." An employee actively engaged in a task at the
6 direction of an employer serving a charitable purpose during the
7 COVID-19 disaster emergency. The term does not include an
8 employee on leave for the entire duration of the COVID-19
9 emergency.

10 "Frontline employee." An employee deemed necessary by the
11 employer to report to work during the COVID-19 disaster
12 emergency for a nonprofit corporation serving a charitable
13 purpose.

14 "Hazard pay." Additional pay for performing hazardous duties
15 or work involving physical hardship related to COVID-19.

16 "Health care nonprofit organization." A 501(c)(3) nonprofit
17 organization that provides health care services. The term
18 includes a 501(c)(3) nonprofit organization that provides
19 education, development and support for frontline employees who
20 provide health care services.

21 "Program." The COVID-19 Nonprofit Hazard Pay Grant Program.

22 Section 2. This act shall take effect in 60 days.