Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or
collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," in emergency COVID-19 response, establishing the COVID-19 Hazard Pay Grant Program.

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

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

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

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

(b) Establishment of program.--The COVID-19 Hazard Pay Grant Program is established within the department to provide hazard pay to employees of a life-sustaining business or occupation.

(c) Eligibility.--

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

(i) A life-sustaining business.

(ii) The governing body of a municipality.

(iii) A nonprofit health care organization.

(iv) A public transportation agency.

(v) A certified economic development organization.

(vi) An individual whose eligible employer has not applied for a grant under the program on behalf of the employee.

(2) In order to be eligible to receive a grant under the program, a health care provider shall be located within this Commonwealth and operate or conduct any of the following:
(i) Health care or social assistance.

(ii) A nursing or residential care facility.

(iii) A nursing care facility.

(iv) Residential care for individuals with physical disabilities.

(v) A mental health or substance abuse facility.

(vi) A community care facility for individuals 65 years of age or older.

(vii) A general medical or surgical hospital.

(viii) A psychiatric or substance abuse hospital.

(ix) A specialty hospital.

(x) Ambulatory health care services.

(xi) A physician's office.

(xii) A dentist's office.

(xiii) Any other office of a health practitioner.

(xiv) An outpatient care center.

(xv) A medical or diagnostic laboratory.

(xvi) Home health care services.

(xvii) A pharmacy.

(xviii) Any other health care services.

(3) In order to be eligible to receive a grant under the program, a food manufacturer shall be located within this Commonwealth and conduct any of the following:

(i) Animal food manufacturing.

(ii) Animal slaughtering and processing.

(iii) Dairy product manufacturing.

(iv) Fruit and vegetable preserving and specialty food manufacturing.

(v) Bakers and tortilla manufacturing.

(vi) Any other food manufacturing.
(vii) Grain and oilseed milling.
(viii) Sugar and confectionery product manufacturing.
(ix) Seafood product preparation and packaging.

(4) In order to be eligible to receive a grant under the program, a food retailer shall be located within this Commonwealth and operate or conduct any of the following:

(i) A grocer or convenience store.
(ii) A specialty food store.
(iii) A facility licensed by the Department of Agriculture as a retail food facility.

(5) In order to be eligible to receive a grant under the program, a social assistance provider shall be located within this Commonwealth and conduct any of the following:

(i) Child day care services.
(ii) Individual or family services.
(iii) Community food and housing, emergency and other relief services.
(iv) Vocational rehabilitation services.

(6) In order to be eligible to receive a grant under the program, a hospitality provider shall be located within this Commonwealth and operate or conduct any of the following:

(i) Bed and breakfast facilities.
(ii) Janitorial services to buildings and dwellings.

(7) In order to be eligible to receive a grant under the program, a transit and ground passenger transportation provider shall be located within this Commonwealth and operate or conduct any of the following:

(i) An urban transit system.
(ii) Interurban and rural bus transportation.
(iii) Generalized freight trucking.
(iv) Specialized freight trucking.

(8) In order to be eligible to receive a grant under the program, an emergency services provider shall be located within this Commonwealth, provide security services for an eligible entity specified under this subsection that was not closed under the Governor's 20200319 TWW COVID-19 Business Closure Order and operate or conduct any of the following:

(i) Emergency services.
(ii) A police department.
(iii) A fire department.
(iv) Emergency medical services.

(9) In order to be eligible to receive a grant under the program, a veterinarian shall be located within this Commonwealth and conduct veterinary services.

(10) Any other industry in this Commonwealth that includes a life-sustaining business not specified under this subsection shall be eligible to receive a grant under the program.

(d) Application process.--

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

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

(A) Industry category.

(B) A brief description of the life-sustaining services the employer provides to the public.
(C) The employer's location in this
Commonwealth.

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

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

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

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

(vi) The amount of the grant request.

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

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

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

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

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

(i) Risk of exposure by industry.

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

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

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

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

(iii) Employees that are in frequent close contact with individuals who may be infected with COVID-19, but who are not known or suspected individuals with COVID-19. Employees under this subparagraph shall include employees who may have been in contact with the general public, employees returning from locations with widespread COVID-19 transmission and employees who do not have the ability to socially distance at their place of employment.

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

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

(5) The department shall designate a time for receipt of applications for grants under the program. After the approval of an application by the department, the department shall electronically issue a grant agreement to the applicant explaining the terms and conditions of the grant along with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282, 120 Stat. 1186) form. The applicant shall electronically sign and return the grant agreement to the department within 30 days. If the applicant fails to electronically sign and return the grant agreement to the department within 30 days, the grant agreement may be withdrawn by the department. The applicant shall return the Federal form under this paragraph with the signed grant agreement to the department. If the applicant fails to return the Federal form under this paragraph, the department may not process the grant agreement. The department shall return a fully executed copy of the grant agreement to the applicant with a grant payment request form and instructions for requesting a grant payment. An applicant may submit a grant payment request with support documentation at the end of the eligible period seeking reimbursement for actual hazard pay expenditures by a date established by the department. The support documentation under this paragraph shall include a signed hazard pay report with the names of the employees, pay date, pay period covered, regular pay, hazard pay, proof of payment and a description of duties of the employees.

(6) The department shall submit the guidelines detailing
the application process for the program to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin and post the guidelines on the department's publicly accessible Internet website.

(e) Certification.--

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

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

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

   (iii) The employer adheres to the Centers for Disease Control and Prevention guidelines and Department of Health regulations and guidelines for reopening under the Governor's phased reopening plan to protect frontline employees from contracting COVID-19.

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

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

(f) Certified economic development organizations.--A
certified economic development organization that submits an
application for grants under the program on behalf of multiple
employers shall submit a separate applicant form for each
employer. A certified economic development organization that
submits an application for grants under the program on behalf of
multiple employers may request an administrative fee, in
addition to the grants awarded to the employers, not to exceed
5% of the grant total. The administrative fee under this
subsection shall not exceed $125,000.

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

(h) Administration of hazard pay.--

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

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

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

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

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

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

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

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

(i) Limitations.--

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

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

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

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

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

"Certified economic development organization." A nonprofit corporation or association with the purpose of enhancing the economic conditions of the community.

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

"COVID-19 disaster emergency." The disaster emergency as described in the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency.

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

"Employee." An employee actively engaged in a task at the direction of an employer designated as a life-sustaining
business during the COVID-19 disaster emergency. The term does
not include an employee on leave for the entire duration of the
COVID-19 emergency.

"Frontline employee." An employee deemed necessary by the
employer to report to work during the COVID-19 disaster
emergency for a life-sustaining business.

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

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

"Life-sustaining business." A corporation, partnership, sole
proprietorship, limited liability company, business trust or
other commercial entity approved by the department and
designated by the Governor to maintain operations during the
COVID-19 disaster emergency, which:

(1) performs or conducts a range of vital operations,
functions and services that are essential to assisting this
Commonwealth and its political subdivisions in protecting
people and their communities while ensuring continuity of
functions critical and essential to public health and safety
or economic and homeland security; and

(2) continues to be operational and appropriately
modified to adhere to the Centers for Disease Control and
Prevention and Department of Health workforce and customer
protection guidelines during the COVID-19 disaster emergency.

"Public transportation agency." As follows:

(1) A public transit agency, including, but not limited
to, any airport authority, public airport, port authority or similar public entity, which:

(i) is established under the laws of this Commonwealth;

(ii) is charged with the provision of transportation services to the traveling public; and

(iii) owns and maintains or is authorized to own and maintain a physical plant, including rolling stock, stations, shelters, hangars, runways, maintenance and support facilities.

(2) The term includes a municipality that operates a mass transportation system.

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