
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2908 Session of
2020

INTRODUCED BY MALAGARI, HILL-EVANS, WEBSTER, STEPHENS, BURGOS,
SNYDER, CALTAGIRONE, KULIK, KINSEY, LONGIETTI, McCARTER,
READSHAW, McNEILL, HANBIDGE, MIHALEK, GALLOWAY, FREEMAN,
WILLIAMS, ROZZI, DRISCOLL, HOWARD, SHUSTERMAN, MURT, DEASY,
ZABEL, GREEN, SANCHEZ, SIMS, MADDEN, SCHLOSSBERG AND KRUEGER,
OCTOBER 6, 2020

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 6, 2020

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,

1 association, and corporation required to pay, assess, or
2 collect taxes, or to make returns or reports under the laws
3 imposing taxes for State purposes, or to pay license fees or
4 other moneys to the Commonwealth, or any agency thereof,
5 every State depository and every debtor or creditor of the
6 Commonwealth," in emergency COVID-19 response, establishing
7 the COVID-19 Emergency Services Hazard Pay Grant Program.

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

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

12 Section 134-C. COVID-19 Emergency Services Hazard Pay Grant
13 Program.

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

19 (b) Establishment of program.--The COVID-19 Emergency
20 Services Hazard Pay Grant Program is established within the
21 department to provide hazard pay to employees of emergency
22 services.

23 (c) Eligibility.--

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

26 (i) Emergency services.

27 (ii) A police department.

28 (iii) A fire department.

29 (iv) Emergency medical services.

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

33 (2) In order to be eligible to receive a grant under the

1 program, a health care provider shall be located within this
2 Commonwealth and operate or conduct any of the following:

- 3 (i) Emergency services.
- 4 (ii) A police department.
- 5 (iii) A fire department.
- 6 (iv) Emergency medical services.

7 (d) Application process.--

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

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

14 (A) Industry category.

15 (B) A brief description of the life-sustaining
16 services the employer provides to the public.

17 (C) The employer's location in this
18 Commonwealth.

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

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

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

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

1 (vi) The amount of the grant request.

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

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

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

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

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

16 (i) Risk of exposure by industry.

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

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

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

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

29 (ii) Employees with a high potential for exposure to
30 known or suspected sources of COVID-19, including

1 employees that provide health care delivery and support
2 or medical transport to potentially infectious COVID-19
3 individuals.

4 (iii) Employees that are in frequent close contact
5 with individuals who may be infected with COVID-19, but
6 who are not known or suspected individuals with COVID-19.
7 Employees under this subparagraph shall include employees
8 who may have been in contact with the general public,
9 employees returning from locations with widespread COVID-
10 19 transmission and employees who do not have the ability
11 to socially distance at their place of employment.

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

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

20 (5) The department shall designate a time for receipt of
21 applications for grants under the program. After the approval
22 of an application by the department, the department shall
23 electronically issue a grant agreement to the applicant
24 explaining the terms and conditions of the grant along with
25 the Federal Funding Accountability and Transparency Act of
26 2006 (Public Law 109-282, 120 Stat. 1186) form. The applicant
27 shall electronically sign and return the grant agreement to
28 the department within 30 days. If the applicant fails to
29 electronically sign and return the grant agreement to the
30 department within 30 days, the grant agreement may be

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

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

21 (e) Certification.--

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

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

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

30 (iii) The employer adheres to the Centers for

1 Disease Control and Prevention guidelines and Department
2 of Health regulations and guidelines for reopening under
3 the Governor's phased reopening plan to protect frontline
4 employees from contracting COVID-19.

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

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

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

20 (g) Administration of hazard pay.--

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

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

1 employee.

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

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

10 (5) An employer may apply for a grant under the program
11 to provide hazard pay for no more than 500 eligible full-time
12 equivalent employees per location with a maximum of a
13 \$600,000 grant per location.

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

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

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

28 (h) Limitations.--

29 (1) An employer that submits an application directly to
30 the department for a grant under the program shall not be

1 eligible for reimbursement for the administrative costs to
2 submit and complete the application.

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

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

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

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

15 "COVID-19 disaster emergency." The disaster emergency as
16 described in the proclamation of disaster emergency issued by
17 the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March
18 21, 2020), and any renewal of the state of disaster emergency.

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

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

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

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

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