

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1192 Session of 2021

INTRODUCED BY ORTITAY, RYAN, HENNESSEY, MADDEN AND CIRESI,
APRIL 15, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 15, 2021

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,
 34 every State depository and every debtor or creditor of the

1 Commonwealth," providing for coronavirus aid, relief and
2 emergency response; and establishing the Coronavirus Aid,
3 Relief and Emergency Response Fund and the Financial
4 Assistance for Front Line Workers Program.

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

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

9 ARTICLE I-E

10 CORONAVIRUS AID, RELIEF AND EMERGENCY RESPONSE

11 Section 101-E. Definitions.

12 The following words and phrases when used in this article
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

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

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

21 "Eligible period." The period beginning March 6, 2020, and
22 ending on the expiration or termination of any renewal of the
23 proclamation of disaster emergency issued by the Governor on
24 March 6, 2020, initially published at 50 Pa.B. 1644 (March 21,
25 2020).

26 "Fund." The Coronavirus Aid, Relief and Emergency Response
27 Fund established under section 102-E(a).

28 "Health care system." An organized system of health care in
29 which multiple health care providers participate and the health
30 care providers satisfy all of the following:

- 31 (1) The health care providers provide health care
32 services in a manner so that the public is aware that the

1 health care providers participate in a joint arrangement.

2 (2) The health care providers participate in any of the
3 following joint activities:

4 (i) A utilization review that involves the review of
5 health care decisions of participating covered entities
6 by other participating covered entities or a third party
7 on behalf of the participating covered entities.

8 (ii) Quality assessment and improvement activities
9 that include the assessment of the treatment provided by
10 participating covered entities by other participating
11 covered entities or a third party on behalf of the
12 participating covered entities.

13 (iii) Payment activities if all of the following
14 apply:

15 (A) The financial risk for delivering health
16 care is partially or wholly shared by participating
17 covered entities through the joint arrangement.

18 (B) Protected health care information created or
19 received by the participating covered entities is
20 reviewed by other participating covered entities or a
21 third party on behalf of the participating covered
22 entities.

23 "Participant." An employee who is unable to perform the
24 employee's job duties remotely and continues to perform the
25 employee's job duties during the COVID-19 pandemic while being
26 employed by any of the following:

27 (1) A hospital or health care system.

28 (2) A retail grocery store.

29 (3) A long-term health care facility.

30 (4) A police department.

1 (5) A fire department.
2 (6) A volunteer fire department.
3 (7) An emergency medical services company.
4 (8) A volunteer emergency medical services company.
5 (9) A pharmacy as defined in section 2(12) of the act of
6 September 27, 1961 (P.L.1700, No.699), known as the Pharmacy
7 Act.

8 (10) A banking institution as defined in 15 Pa.C.S. §
9 102(a) (relating to definitions).

10 "Program." The Financial Assistance for Front Line Workers
11 Program established under section 103-E(a).

12 Section 102-E. Establishment of fund.

13 (a) Establishment.--The Coronavirus Aid, Relief and
14 Emergency Response Fund is established as a restricted account
15 in the State Treasury.

16 (b) Transfers.--The State Treasurer shall transfer any money
17 appropriated from the Federal Government to the Commonwealth
18 for expenses incurred as a result of the COVID-19 pandemic to
19 the fund.

20 (c) Remaining money.--Any money not allocated under section
21 103-E shall remain in the fund until appropriated by the General
22 Assembly.

23 Section 103-E. Financial Assistance for Front Line Workers
24 Program.

25 (a) Establishment.--The Financial Assistance for Front Line
26 Workers Program is established within the department to assist
27 workers on the front line during the COVID-19 pandemic. The
28 start date for the program shall commence on the date when the
29 department posts the application form on the department's
30 publicly accessible Internet website under subsection (c)(1),

1 but shall not be later than 60 days after the effective date of
2 this section.

3 (b) Allocation.--Five hundred million dollars shall be
4 allocated from the fund for participants in the program.

5 (c) Applications.--

6 (1) The department shall develop an application for
7 participation in the program and post the application form on
8 the department's publicly accessible Internet website. An
9 applicant shall verify all of the following information on
10 the application:

11 (i) The applicant's place of employment.

12 (ii) Whether the applicant worked at the applicant's
13 physical place of employment or worked remotely during
14 the eligible period.

15 (iii) Any other information required by the
16 department needed to ensure compliance with Federal law
17 and guidance.

18 (2) In order to receive a direct payment under
19 subsection (h), an applicant must submit the application
20 under paragraph (1) to the department within 90 days of the
21 program's start date as specified under subsection (a).

22 (d) Verification.--The department shall verify with an
23 applicant's employer that the applicant did not work remotely
24 during the eligible period.

25 (e) Eligibility.--An applicant who worked at the physical
26 location of the applicant's employer during the eligible period
27 and was later furloughed due to the COVID-19 pandemic shall be
28 eligible for participation in the program. The department shall
29 provide notice to an applicant of the applicant's eligibility to
30 participate in the program.

1 (f) Submission of W-2.--Upon request by a participant in the
2 program, the participant's employer shall submit the
3 participant's Federal Wage and Tax Statement Form W-2 to the
4 department. The department may use the Federal Wage and Tax
5 Statement Form W-2 to verify the earnings of the participant for
6 the 2019 calendar year.

7 (g) Review and approval.--No later than 30 days after the
8 conclusion of the application period, the department shall
9 review applications submitted under subsection (c) and notify
10 participants of application status and payment determination.
11 The following shall apply:

12 (1) The maximum amount of a direct payment shall be the
13 quotient of the following:

14 (i) The amount allocated under section 103-E(b); and

15 (ii) The total number of participants.

16 (2) The following limitations shall apply:

17 (i) For a participant who filed a single tax return
18 under Article III of the act of March 4, 1971 (P.L.6,
19 No.2), known as the Tax Reform Code of 1971, 100% of the
20 maximum amount available per participant shall be awarded
21 if the participant earned \$75,000 or less during the
22 calendar year 2019.

23 (ii) For a participant who filed a single tax return
24 under Article III of the Tax Reform Code of 1971, and
25 earned more than \$75,000 during the calendar year 2019,
26 100% of the maximum amount available per participant
27 reduced by \$5 for each \$100 earned above \$75,000 shall be
28 awarded.

29 (iii) For a participant who filed a joint tax return
30 under Article III of the Tax Reform Code of 1971, 100% of

1 the maximum amount available per participant shall be
2 awarded if the joint earnings are \$150,000 or less during
3 the calendar year 2019.

4 (iv) For a participant who filed a joint tax return
5 under Article III of the Tax Reform Code of 1971, and the
6 joint earnings are more than \$150,000 during the calendar
7 year 2019, 100% of the maximum amount available per
8 participant reduced by \$5 for each \$100 earned above
9 \$150,000 shall be awarded.

10 (h) Direct payments.--The department shall provide a direct
11 payment to a participant for an amount determined under
12 subsection (g) via mail or electronic deposit not later than 60
13 days after the conclusion of the application period.

14 (i) Regulations.--The department may promulgate any
15 regulations necessary to implement the program.

16 Section 2. This act shall take effect immediately.