

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1552 Session of 2021

INTRODUCED BY HARKINS, SANCHEZ, KINSEY, SAMUELSON, SAINATO,  
CIRESI, SCHLOSSBERG, FREEMAN, ROZZI AND WARREN, JUNE 7, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 7, 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," in emergency COVID-19 response, establishing  
2 the COVID-19 Nonprofit Hazard Pay Grant Program.

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

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

7 Section 135-C. COVID-19 Nonprofit Hazard Pay Grant Program.

8 (a) Use of funds.--The sum of \$100,000,000 is appropriated  
9 from Federal funds in the account received by the Commonwealth  
10 under section 9901 of the American Rescue Plan Act of 2021  
11 (Public Law 117-2, 135 Stat.223) to the department for the  
12 purpose of making grants under this section.

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

17 (c) Eligibility.--

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

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

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

24 (iii) A nonprofit health care organization.

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

28 (2) In order to be eligible to receive a grant under the  
29 program, a nonprofit corporation serving a charitable purpose  
30 or a purely public charity serving a charitable purpose shall  
31 be located within this Commonwealth and operate or conduct

1 any of the following:

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

4 (ii) A food bank.

5 (iii) A homeless shelter.

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

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

12 (i) Health care or social assistance.

13 (ii) A nursing or residential care facility.

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

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

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

19 (vi) A general medical or surgical hospital.

20 (vii) A psychiatric or substance abuse hospital.

21 (viii) Ambulatory health care services.

22 (ix) A physician's office.

23 (x) A dentist's office.

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

25 (xii) An outpatient care center.

26 (xiii) A medical or diagnostic laboratory.

27 (xiv) Home health care services.

28 (xv) A pharmacy.

29 (xvi) Any other health care services.

30 (d) Application process.--

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

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

7                   (A) Industry category.

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

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

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

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

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

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

24                   (vi) The amount of the grant request.

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

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

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

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

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

10           (i) Risk of exposure by industry.

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

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

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

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

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

28           (iii) Employees that are in frequent close contact  
29           with individuals who may be infected with COVID-19, but  
30           who are not known or suspected individuals with COVID-19.

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

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

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

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

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

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

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

18 (e) Certification.--

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

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

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

27 (iii) The employer adheres to the Centers for  
28 Disease Control and Prevention guidelines and Department  
29 of Health regulations and guidelines for reopening under  
30 the Governor's phased reopening plan to protect frontline

1 employees from contracting COVID-19.

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

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

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

17 (g) Administration of hazard pay.--

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

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

29 (3) An employer shall provide hazard pay to an employee  
30 according to the employee's regular pay schedule. An employer

1 may not withhold hazard pay from an employee and provide the  
2 hazard pay to the employee in a later lump sum.

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

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

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

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

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

25 (h) Limitations.--

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

30 (2) An employer may not provide hazard pay for any hours

1 worked by an employee in excess of 40 hours in a week.

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

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

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

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

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

28 "COVID-19 disaster emergency." The disaster emergency as  
29 described in the proclamation of disaster emergency issued by  
30 the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March

1 21, 2020), and any renewal of the state of disaster emergency.

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

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

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

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

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

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

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