

Front-Line Employees Hazard Pay Grant Program Program Guidance

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Hazard Pay Grant Program Guidance

This document provides 1) program guidance and 2) application instructions to Eligible Applicants for the Front-Line Employees Hazard Pay Grant Program.

A companion Application Instructions document is available [here](#).

If you still have a question after reviewing this document, you may submit a question [here](#).

Program Guidance

Program Description

The Agency of Human Services (AHS) is issuing this grant opportunity per Act 136 of 2020 to certain public safety, public health, health care, and human services employers whose employees were engaged in activities substantially dedicated to mitigating or responding to the COVID-19 public health emergency during the eligible time period. The Front-Line Employees Hazard Pay Grant Program (hereafter called “Program”) allows Eligible Applicants to request \$1,200 or \$2000 per employee who meets Program criteria, including but not limited to risk of exposure to COVID-19 and hours worked. Grants will be awarded through an application process and funds will be distributed on a first-come, first-served basis.

Eligible Applicants

Only Covered Employers and ARIS Solutions, the fiscal agent for the employers of the Independent Direct Support Providers, may apply for a lump sum grant award to be distributed to Eligible Employees in the amounts of \$1,200 or \$2,000 per employee.

A Covered Employer is an entity that employs one or more individuals in Vermont in relation to its operation of one of the following:

- Ambulance service or first responder service as defined in 24 V.S.A. §2651
- Assisted living residence as defined in 33 V.S.A. §7102
- Dentist’s office or a dental facility
- Federally qualified health center, rural health clinic, or clinic for the uninsured
- Health care facility as defined in 18 VS.A. §9432 or a physician’s office
- Home health agency as defined in 33 V.S.A. §6302 and any employer that a home health agency has contracted with to provide physical, speech, respiratory, or occupational therapy on its behalf, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to

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its employees for therapy services provided on behalf of the home health agency

- Homeless shelter
- Morgue
- Nursing home as defined in 33 V.S.A. §7102 and any employer that a nursing home has contracted with for the provision of physical, speech, respiratory, or occupational therapy, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided in the nursing home
- Program licensed by the Department for Children and Families as a residential treatment program
- Provider of necessities and services to vulnerable or disadvantaged populations
- Residential care home as defined in 33 V.S.A. §7102
- Therapeutic community residence as defined in 33 V.S.A. §7102

Covered Employers do not include:

- The State
- A political subdivision of the State
- The United States
- An agency designated to provide mental health or developmental services, or both, pursuant to 18 V.S.A chapter 207
- An agency with which the Commissioner of Mental Health or of Disabilities, Aging, and Independent Living, or both, has contracted to provide specialized services pursuant to 18 V.S.A. § 8912

If a Covered Employer has more than one work site location or branch office, it may only submit one Program application that includes all sites or branches.

ARIS Solutions has the authority to apply for a grant in the same manner as a Covered Employer and to disburse funding to eligible Independent Direct Support Providers as defined in 21 V.S.A. §1631.

Eligible Expenditures

Grant awards must be used by Covered Employers to provide hazard pay to Eligible Employees.

Employees who meet the Eligible Employee criteria indicated below and worked at least 68 hours and less than 216 hours in a job with an elevated risk of exposure to COVID-19 during the eligible period may receive \$1,200 in hazard pay from the grant recipient.

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Employees who meet all Eligible Employee criteria indicated below and who worked at least 216 hours in a job with an elevated risk of exposure to COVID-19 during the eligible period may receive \$2,000 in hazard pay from the grant recipient.

Covered Employer grant recipients may deduct any applicable payroll taxes related to the payment to an Eligible Employee of hazard pay funded by the Program.

Eligible Employees

Covered Employers may request grant funding to provide hazard pay to each employee who meets the following criteria:

- Is employed by the Covered Employer
- Performs a job that had an elevated risk of exposure to COVID-19, as defined below, during the eligible period
- Was unable to perform their job remotely or to telework, including by providing health care or other services by telephone, videoconference, or telehealth
- Earns an hourly base wage of \$25.00 or less, except in the case of employees of home health agencies and nursing homes
- Worked at least 68 hours for a Covered Employer during the eligible period
- Is not eligible to receive monetary benefits for the performance of their job under any program authorized or implemented by the federal government

ARIS Solutions may request grant funding for Independent Direct Support Providers who meet all Eligible Employee criteria above except for “Are employed by the Covered Employer” criteria.

The following individuals are not Eligible Employees:

- Independent contractors or self-employed individuals
- Individuals who have received unemployment insurance benefits for any week during the eligible period

Elevated Risk of Exposure to COVID-19

In order to meet the Eligible Employees criteria above, employees must have performed a job that had an elevated risk of exposure to COVID-19 during the eligible period. For the purposes of this Program, an elevated risk of exposure to COVID-19 means the performance of a job that meets at least one of the following three criteria:

1. Has high potential for exposure to known or suspected sources of COVID-19, including through
 - a. providing in-person services or care to members of the public or clients, or

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- b. cleaning or sanitizing the premises of a Covered Employer in a location that is used by members of the public or individuals who are known or suspected to have COVID-19.
2. Requires frequent physical contact or close contact, or both, with people who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients. Close contact includes interactions with another individual that require the employee to be within six feet of that individual.
3. Is located in an area with ongoing community transmission of SARS-CoV-2 and requires regular, close contact with members of the public. Close contact includes interactions with another individual that require the employee to be within six feet of that individual. Vermont had ongoing community transmission of SARS-CoV-2 during some, but not all of the eligible period. Ongoing community transmission of SARS-CoV-2 occurred between March 13, 2020 through April 28, 2020.

Eligible Period

Except where otherwise noted, the eligible period is March 13, 2020 through May 15, 2020. For Independent Direct Support Providers only, the eligible period is March 15, 2020 through May 16, 2020.

Factors for Determining the Number of Hours Worked

When determining employee eligibility, Eligible Applicants should include any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the Eligible Employee because they contracted COVID-19 or were quarantined because of exposure to COVID-19.

Eligible Applicants should not include:

- any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the eligible employee to care for another individual; and
- any hours of remote or telework performed by the eligible employee, including the provision of healthcare or other services by telephone, videoconference, or telehealth.

Eligible Employee Right to Decline Hazard Pay

Eligible Employees may elect not to receive hazard pay for any reason including eligibility for public benefits (see page 8). Eligible Applicants must establish a process to permit Eligible Employees to elect not to receive hazard pay funded by the grant award and record keeping procedures to track which employees have elected not to receive hazard pay.

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Available Program Amount

\$28,000,000.00 in funding is available for the Front-Line Employees Hazard Pay Program. The amount of a grant provided to a Covered Employer shall equal the total amount of hazard pay for which its Eligible Employees qualify.

Application Period

The application period is August 4, 2020 at 9 AM EST – October 31, 2020 or until grant funds are depleted, whichever is earlier.

Method of Application Submission

Applications must be submitted through the online portal by 11:59 PM EST on the last day of the application period.

Distributions

Lump sum grant award payments will be made on a first-come, first-served basis. Payments will be made no later than November 14, 2020.

Reporting Requirements

All Eligible Applicants must fully complete and submit the application through the online portal by the submission date. A complete application includes:

- Responses to all required fields, including but not limited to certifications
- A W-9
- A Summary Report of Eligible Employees

AHS may request an Eligible Applicant to submit detailed backup, including but not limited to payroll reports to support the hazard payments requested to be paid. Detailed backup should only be submitted upon request from AHS.

All applicants that receive grant funds through this Program must report to AHS the amount of grant funds used to provide hazard pay to Eligible Employees and the amount of any remaining grant funds that were not spent using a form developed by AHS. The form must be returned to AHS no later than ninety (90) days after receiving the grant or December 15, 2020, whichever is earlier. All unspent grant funds must be returned by December 15, 2020 or a date otherwise determined by AHS using a process determined by AHS.

The Program is funded with federal dollars and is subject to the requirements of Single Audit found at 2 CFR § 200 Subpart F. The Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not

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required, only the Subrecipient Annual Report is required. For fiscal years ending before December 25, 2015, a Single Audit is required if the subrecipient expends \$500,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A133. For fiscal years ending on or after December 25, 2015, a Single Audit is required if the subrecipient expends \$750,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.

Common Subrecipient Annual Report Questions are located [here](#).

Potential Hazard Pay Impact on Public Benefits for Eligible Employees

Federal law determines how additional hazard pay payments are treated in determining program eligibility for many public benefit programs, including Vermont Medicaid.

Per federal law, hazard pay normally is considered income that can impact Medicaid eligibility. For persons who get Medicaid on the basis of being aged, blind or disabled, the payment normally also counts as a resource in the month after receipt. However, during the federally-declared public health emergency, most Medicaid members will not lose coverage unless they choose to disenroll. Because of this continuous coverage requirement, it is unlikely that the receipt of hazard pay during the public health emergency will result in loss of Medicaid. The current federally-declared public health emergency has been extended until October 23, 2020. To find out if the federally-declared public health emergency is in effect, see <https://www.phe.gov/emergency/news/healthactions/phe/Pages/covid19-23June2020.aspx>. (The public health emergency lasts 90 days from its effective date unless it is ended sooner.)

Many programs administered by the Department of Disabilities, Aging and Independent Living (DAIL), Department of Mental Health (DMH), and Vermont Department of Health Division of Alcohol & Drug Abuse (ADAP) require participants to maintain Medicaid eligibility. Hazard pay will also be counted as income for the purposes of financial assistance for qualified health plans.

For the following public benefits administered by the Department for Children and Families (DCF), state law governs income and resource eligibility and hazard pay provided through this Program may be excluded:

- General Assistance
- Fuel Assistance
- Essential Person
- Reach Up (and Reach Up related programs – Reach First, Reach Ahead, and the Postsecondary Education Program)
- Child Care Financial Assistance Program

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For 3SquaresVT, federal regulations would allow a one-time lump sum payment to be excluded as income, but it would count as a resource in the month received for households subject to the resource test.

Contact Information

Please submit questions or inquiries through the online submission form located [here](#).