

# COVID-19-Related Paid Leave Grant Program Guidance

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Issued by the Department of Financial Regulation



## COVID-19-Related Paid Leave Grant Program Guidance

This document provides program guidance to applicants for the COVID-19-Related Paid Leave Grant Program.

The application, documentation requirements, and additional information will [be posted here](#).

Grants awarded may only be used to reimburse leave costs actually paid by the employer to eligible Vermont employees after July 1, 2022 for COVID-19-related reasons in accordance with the employer's ordinary operating procedures. Grants are not available at this time to reimburse employees for unpaid leave.

### Program Guidance

#### **1. Program Description**

The Department of Financial Regulation (“DFR”) is administering this grant opportunity to eligible employers as reimbursement for the cost of providing eligible COVID-19-related paid leave.<sup>1</sup> The COVID-19-Related Paid Leave Grant Program (the “Program”) aims to mitigate the negative economic harm to employers caused or exacerbated by the pandemic.

Once per calendar quarter, beginning in December 2022 and ending on September 30, 2023, eligible employers may apply for a grant to reimburse expenditures for COVID-19-related leave paid to eligible Vermont employees. The maximum amount that an employer is eligible to receive for each eligible employee is not more than \$21.25 per hour of leave, with an aggregate maximum of \$850.00 per individual eligible employee over the entire Program period of July 1, 2022 - June 30, 2023. The expenditure must have occurred during the preceding calendar quarter within the Program period of July 1, 2022 through June 30, 2023. The grants will be awarded on a “first-come, first-served basis, subject to available funding.”<sup>2</sup>

**Grant recipients must restore employee paid leave balances.** An employer whose grant application is approved in relation to any amounts of paid leave that was deducted from an employee's accrued paid leave balance at the time such leave was taken must restore the reimbursed amount of such leave to the employee's accrued paid leave balance prior to the grant award being paid to the employer.

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<sup>1</sup> DFR is administering the Program pursuant to Vermont Act 183 of 2022, Sec. 51a.

<sup>2</sup> Vermont Act 183 of 2022, Sec. 51a(c)(6).

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### **2. Eligible Employers**

Only “Eligible Employers” may apply for a grant award.

“Eligible Employer” means an employer that has one or more “eligible employees,” as defined below, employed by it and performing services in the State of Vermont.

#### **Definition of “Eligible Employee”**

- (i) “Eligible employee” means (a) an individual who, in consideration of direct or indirect gain or profit, is employed by an employer to perform services in Vermont; (b) has received paid-leave paid by such employer for an absence from work due to an eligible “COVID-19-related reason” (as defined and discussed in more detail in Section 3, below).

### **3. Eligible COVID-19-Related Paid Leave Reimbursement Expenditure**

Eligible paid leave must (a) have occurred and been paid to an eligible employee during the program period and in a manner consistent with, or non-additive to, the participating employer’s standard operating policy, and (b) have occurred for an absence from work for the Covid-19-related reasons listed below.

#### **(a) Leave, payment, and employer’s standard operating policy requirements**

- (i) Both the leave and the payment for the leave must have occurred during the Program period of July 1, 2022 - June 30, 2023. **A new application must be filed each quarter for a grant to reimburse eligible leave expenses paid in the prior quarter.**
- (ii) Only employers that provided paid leave as part of their standard operating procedures are eligible to apply for a grant.
  - **Clarification point:** Paid leave is considered an operating expense for small businesses and nonprofits. The increased costs for paid leave caused or exacerbated by the pandemic will only be reimbursed insofar as the payment was consistent with an employer’s standard operating policy. Grants may not be used to reimburse paid leave costs that were inconsistent with or additive to a participating employer’s standard operating policy.

#### **(b) Definition of COVID-19-Related Reasons**

For the purpose of the Program, “COVID-19-related reasons” for an absence from work means that the employee is:

- (i) self-isolating because they have tested positive for COVID-19; or

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- (ii) self-isolating because they are following the recommendation of a health care provider for individuals who have been exposed to COVID-19 or are experiencing symptoms; or
- (iii) caring for a parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child because:
  - the school or place of care where that individual is normally located during the employee’s workday is closed due to COVID–19;
  - that individual has been requested not to attend the school or the place of care where that individual is normally located during the employee’s workday due to COVID–19;
  - that individual has been diagnosed with or tested positive for COVID–19; or
  - that individual is self-isolating pursuant to the recommendation of a health care provider or a state or federal public health official because that individual has been exposed to or is experiencing symptoms of COVID–19; or
- (iv) attending an appointment for the employee or the employee’s parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child to receive a COVID-19 vaccine or a vaccine booster; or
- (v) experiencing symptoms, or caring for a parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, or foster child who is experiencing symptoms, related to a COVID-19 vaccine/booster.<sup>3</sup>

### **4. Calculating the Grant Amounts**

In calculating the quarterly grant amount, an employer must only apply for a grant

- (a) in relation to COVID–19–related paid leave that was taken by an employee and paid by the employer during the prior quarter (for example, beginning in October of 2022, applications will be accepted for reimbursement of leave paid during the quarterly period of July 1, 2022 through September 30, 2022); and
- (b) the maximum number of hours of COVID–19–related leave for each employee that an employer may seek grant funding over the life of the Program (for any and all quarterly grants) shall equal the lesser of 40 hours or the eligible employee’s average weekly hours worked for the employer during the six months preceding the date on which the employee first took COVID–19–related leave during the Program period, and
- (c) the grant amount is required to be calculated in an amount equal to the number of hours of eligible COVID-19-related paid leave provided to each eligible

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<sup>3</sup> Vermont Act 183 of 2022, Sec. 51a(b)(2)

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employee multiplied by the hourly wage at which leave was paid to the employee up to the maximum hourly wage of \$21.25 per hour of leave, with an aggregate maximum of \$850.00 per eligible employee during the Program period.<sup>4</sup> For \ employees that earn a regular wage below the minimum wage (e.g., certain tipped employees), Vermont law requires that earned sick time be compensated at no less than the minimum wage.<sup>5</sup>

### **5. Available Program Amount**

The sum of \$5,000,000.00 in funding is available for the COVID–19–Related Paid Leave Grant Program, including administrative costs.<sup>6</sup>

### **6. Application Period**

Applications must be submitted once per quarter, beginning in October 2022. An application deadline will be specified by the Department each quarter. For the grant application for the quarter ending on September 30, 2022, the deadline to submit a grant application is December 1, 2022. Grant applications may only be submitted once each calendar quarter during that period. The applications shall be submitted for paid leave provided during the preceding calendar quarter within the Program period of July 1, 2022 through June 30, 2023. The grants will be awarded on a “first-come, first-served basis, subject to available funding.”<sup>7</sup> *Update May 2024: as of the May 3, 2024 opening, the portal will accept applications for any quarter during the program period. The portal will remain open through 5/30/24, subject to remaining funding availability.*

### **7. Method of Application Submission**

Applications must be submitted through the online portal. A link to the online portal will be provided [on the Department’s website](#).

### **8. Distributions**

Grant award payments will be made to Eligible Employers that submit complete and accurate applications during the applicable application period that are approved by the review team, subject to available funding.

Grant award payments will be made quarterly. Any funds that are not used to reimburse eligible paid leave costs must be returned to the State of Vermont.

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<sup>4</sup> Vermont Act 183 of 2022, Sec. 51a (e)

<sup>5</sup> See 21 V.S.A. § 482

<sup>6</sup> Vermont Act 183 of 2022, Sec. 51a(a)(2).

<sup>7</sup> Vermont Act 183 of 2022, Sec. 51a(c)(6).

## 9. Certification and Document Maintenance Requirement

An Eligible Employer must (a) verify all of the following certifications are true, and (b) maintain backup documentation supporting the truth of all of the following certifications:

- The eligible employee took the paid leave for the COVID-19-related reasons listed in Section 3(b) above,<sup>8</sup> and
- The employer is not seeking funds in relation to any amounts of paid leave that were deducted from any employee's accrued paid leave balance at the time the COVID-19-related leave was taken, **unless those amounts have been restored to the employee's accrued paid leave balance or will be restored to the employee's accrued paid leave balance following approval of this grant application and prior to the grant award being paid to the employer.**
- The paid leave was taken by the employee and the employer paid for the leave during the program period, and
- All paid leave was paid to the employee consistent with the employer's standard operating policy, and
- Any costs forming the basis of an award under this Program have not been covered by any other federal funds or federally forgiven loans received by the Applicant, and
- The employees receiving paid leave funded by a grant will not be required to pay an administrative fee or other charge in relation to the employer requesting the grant<sup>9</sup>, and
- The employer has and will maintain records documenting the accuracy of these certifications.

## 10. Application Content and Audit Requirements

All applicants must fully complete and submit the application through the online portal by the applicable quarterly submission date. A complete application includes:

- Responses to all required fields, including but not limited to certifications
- Document uploads
  - Form W-9
    - The form and detailed instructions are [available from the IRS](#).
    - A physical signature and date are required.

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<sup>8</sup> Vermont Act 183 of 2022, Sec. 51a(f)(2).

<sup>9</sup> Vermont Act 183 of 2022, Sec. 51a(f)(3).

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- The form must be signed and dated within the last 6 months.
- Form 941
  - A copy of the Applicant’s most recent quarterly payroll tax filing reported to the Internal Revenue Service. For most applicants this will be [Form 941](#).
- Such Other Documentation as the Department May Request or Require.

The Program is funded with federal dollars and is subject to the requirements of Single Audit found at 2 CFR § 200 Subpart F. If an applicant has a subrecipient relationship, the applicant will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether a Single Audit is required for the prior fiscal year. If a Single Audit is required, Applicant will submit a copy of the audit report to the State of Vermont within 9 months. 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.

Additionally, the Department of Financial Regulation will be performing random audits of grant recipients. An applicant subject to an audit will be required to produce backup documentation to support its grant application and eligibility, including, but not limited to, payroll reports. If the employer cannot produce adequate documentation, the employer may be required to return the grant funds awarded.

### **11. Duplication of Benefits Is Not Allowed**

An employer may combine grant funds with funding from other sources but shall not use grant funds from multiple sources for the same instance of paid leave provided to its employees for COVID-19-related reasons. As used in this subdivision, an “instance” means a calendar day in which the employee was absent from work for a COVID-19-related reason.<sup>10</sup>

### **12. Report and Return of Unspent Funds**

Each employer that receives a grant will be required to report to the Department on the use of grant funds, using a form to be provided by the Commissioner. Any grant funds that were not used to reimburse an Eligible Employer for eligible COVID-19-related paid leave grant costs actually incurred shall be returned to the Department pursuant to a procedure adopted by the Commissioner.<sup>11</sup>

### **13. Confidentiality**

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<sup>10</sup> Vermont Act 183 of 2022, Sec. 51a(c)(4).

<sup>11</sup> Vermont Act 183 of 2022, Sec. 51a(g).

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Any personally identifiable information that is collected by the Program, any entity of State government performing a function of the Program, or any entity that the Commissioner contracts with to perform a function of the Program shall be exempt from inspection and copying under the Public Records Act.<sup>12</sup>

### **14. Conflict-of-Interest Policy**

Eligible Employers that receive a grant award must maintain a conflict-of-interest policy consistent with 2 CFR 200.318(c) that is applicable to all activities funded with the COVID-19-Related Paid Leave Grant.

### **15. Contact Information**

Please submit all questions or inquiries to [dfp.paidleavegrants@vermont.gov](mailto:dfp.paidleavegrants@vermont.gov) or call (833) 813-6676.

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<sup>12</sup> Vermont Act 183 of 2022, Sec. 51a(h).