

- 1           (8)    The Act, for probation and parole officers compensated pursuant to the  
2                    Probation and Parole Officer Salary Schedule."  
3

#### 4   **STATE AGENCY TEACHERS**

5           **SECTION 39.20.** Employees of schools operated by the Department of Health and  
6 Human Services, the Department of Public Safety, and the State Board of Education who are  
7 paid on the Teacher Salary Schedule shall be paid as authorized under this act.  
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#### 9   **ONE-TIME BONUS PAYMENT PROGRAM FOR ELIGIBLE DIRECT CARE** 10 **WORKERS**

11           **SECTION 39.21.(a)** One-Time Bonus. – Of the funds appropriated in this act to the  
12 Department of Health and Human Services (DHHS) from the State Fiscal Recovery Fund, one  
13 hundred thirty-three million dollars (\$133,000,000) shall be used to distribute a one-time  
14 payment to eligible providers to be passed along as a one-time bonus payment to each of the  
15 eligible direct care workers employed by the eligible provider for continuing to provide critical  
16 services during the COVID-19 pandemic. Up to one million dollars (\$1,000,000) of these funds  
17 may be used by DHHS to administer this one-time bonus payment program.

18           **SECTION 39.21.(b)** Eligible Provider. – For the purposes of this section, the term  
19 "eligible provider" means a provider that is enrolled in the Medicaid or NC Health Choice  
20 program in any of the following provider categories:

- 21           (1)    Providers who provide services through the following Medicaid waiver  
22                    programs:  
23                    a.     The Community Alternatives Program for Children (CAP/C).  
24                    b.     The Community Alternatives Program for Disabled Adults  
25                            (CAP/DA).  
26                    c.     The North Carolina Innovations waiver.  
27                    d.     The Traumatic Brain Injury (TBI) waiver.  
28           (2)    Personal care services (PCS) providers.  
29           (3)    Intermediate care facilities for individuals with intellectual disabilities  
30                    (ICF/IIDs), including ICF/IID-level group homes.  
31           (4)    Home health providers.  
32           (5)    Nursing homes.  
33           (6)    Behavioral health residential facilities, including Level III and Level IV  
34                    residential treatment facilities, psychiatric residential treatment facilities  
35                    (PRTFs), medical management and crisis stabilization facilities, and facilities  
36                    providing inpatient substance use disorder treatment.

37           **SECTION 39.21.(c)** Eligible Direct Care Workers. – An eligible provider shall  
38 designate its employees who are direct care workers eligible for the one-time bonus payment  
39 program authorized by this section. Only employees who meet all of the following criteria may  
40 be so designated by an eligible provider:

- 41           (1)    The employee is a direct care worker as determined by DHHS. DHHS shall  
42                    include workers who do at least one of the following in the definition of direct  
43                    care worker:  
44                    a.     Interact directly with patients or clients.  
45                    b.     Provide direct care support services at a licensed health care facility.  
46           (2)    The employee has been employed by the same eligible provider since March  
47                    10, 2020, through August 1, 2021.  
48           (3)    The employee has worked at least 1,000 hours providing direct care services  
49                    between March 10, 2020, and August 1, 2021.  
50           (4)    The employee is not an employee of the State or otherwise eligible for any  
51                    employment-related bonus under this act.

1           **SECTION 39.21.(d)** Procedure to Participate. – To participate in the one-time bonus  
2 payment program, each eligible provider shall submit the number of direct care workers the  
3 provider has designated as eligible, including a description of the position held by any direct care  
4 worker the provider has designated as eligible that supports designation that the position meets  
5 the criteria of direct care worker, to DHHS by no later than January 31, 2022. Prior to receiving  
6 any funds, the eligible provider shall submit an attestation that any funds received in accordance  
7 with this section shall be provided directly to designated eligible direct care workers.

8           Upon receipt of the information required by this subsection from an eligible provider,  
9 DHHS shall review the submitted information provided against historical Medicaid and NC  
10 Health Choice claims data of that eligible provider to evaluate the reasonableness of the  
11 submitted number of direct care workers designated as eligible for the one-time bonus payment  
12 under this section. No payment shall be made to an eligible employer until all information  
13 submitted is reviewed, the required attestation is received, and the total number of potential  
14 eligible direct care workers is ascertained. If, based upon the information submitted by a provider,  
15 DHHS determines that the number of direct care workers designated is not correct or that the  
16 provider is not an eligible provider, then, by no later than March 1, 2022, DHHS shall provide  
17 notice to the provider and include the reason for the determination and the number of eligible  
18 direct care workers determined to be correct by DHHS, if applicable. If DHHS makes any  
19 determination of ineligibility, then DHHS shall reserve funds in the amount necessary to make  
20 full payment as was applied for in case that determination is later modified.

21           No later than March 1, 2022, DHHS shall issue a one-time payment, including  
22 associated payroll costs, to each eligible provider in the amount required to provide bonuses to  
23 eligible direct workers, subject to the other requirements of this section.

24           **SECTION 39.21.(e)** Bonus Amount Calculation. – Subject to the requirements of  
25 subsection (d) of this section, the amount of the one-time bonus available for eligible direct care  
26 workers shall be calculated as the lesser of the following amounts:

- 27           (1) One hundred thirty-three million dollars (\$133,000,000) minus both the  
28 amount used by DHHS for administration of this one-time bonus payment  
29 program and the amount determined to be necessary to cover the associated  
30 payroll costs for each eligible provider divided by the total number of direct  
31 care workers designated by eligible providers as eligible employees.
- 32           (2) Two thousand dollars (\$2,000).

33           **SECTION 39.21.(f)** Any funds remaining after all payments are made to eligible  
34 providers in accordance with this section shall be credited to the State Fiscal Recovery Fund.

35           **SECTION 39.21.(g)** Nothing in this section shall be construed to create an  
36 entitlement to the distribution of funds by DHHS under this section.

## 37 38 **SALARY-RELATED CONTRIBUTIONS**

39           **SECTION 39.22.(a)** Effective for the 2021-2023 fiscal biennium, required employer  
40 salary-related contributions for employees whose salaries are paid from department, office,  
41 institution, or agency receipts shall be paid from the same source as the source of the employee's  
42 salary. If an employee's salary is paid in part from the General Fund or Highway Fund and in  
43 part from department, office, institution, or agency receipts, required employer salary-related  
44 contributions may be paid from the General Fund or Highway Fund only to the extent of the  
45 proportionate part paid from the General Fund or Highway Fund in support of the salary of the  
46 employee, and the remainder of the employer's requirements shall be paid from the source that  
47 supplies the remainder of the employee's salary. The requirements of this section as to source of  
48 payment are also applicable to payments on behalf of the employee for hospital medical benefits,  
49 longevity pay, unemployment compensation, accumulated leave, workers' compensation,  
50 severance pay, separation allowances, and applicable disability income benefits.