Public Safety and Public Health Payroll Reimbursement Program (PSPHPR) 2020 Public Act 144 Updated July31, 2020

1. General

UPDATED July 31, 2020 to reflect changes in 2020 PA 144

- Q1.1. Who qualifies as an eligible applicant for the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program?
 - **A1.1.** Eligible applicants include a:
 - City
 - Village
 - Township
 - County
 - Local government authority, intergovernmental agency, or organization that employs local public safety or local public health personnel and that was established by a city, village, township, county, or group thereof, for the primary purpose of providing public safety or public health services.

These will be referred to in the rest of this document as "eligible applicants".

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- Q1.2. If a city or county received a direct allocation from the Coronavirus Relief Fund (CRF) within the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), can the government qualify for a limited reimbursement payment under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program?
 - **A1.2.** Yes, but only to the extent which it has refunded, with nonfederal funds, a contracting local unit of government, local government authority, or intergovernmental agency for the costs of contracted nonfederal payroll for the eligible period.

UPDATED July 31, 2020 to reflect changes in 2020 PA 144

- Q1.3. Which cities or counties only qualify for a limited reimbursement under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program due to having received a direct allocation from the Coronavirus Relief Fund (CRF) within the Coronavirus Aid, Relief, and Economic Security Act (CARES Act)?
 - **A1.3.** The below local units only qualify for a limited reimbursement under the Public Safety and Public Health Payroll Reimbursement program:
 - 1. Detroit City
 - 2. Kent County
 - 3. Macomb County
 - 4. Oakland County
 - 5. Wayne County

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- Q1.4 Are eligible applicants within a county that received a direct allocation eligible to apply for funding under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program?
 - A1.4 Yes, eligible applicants that are located in one of the counties that received a direct allocation are eligible to apply for funding under the Public Safety and Public Health Payroll Reimbursement program.
- Q1.5. Will an eligible applicant receive funding if a Form 5722 is not submitted?
 - A1.5. No. In order to receive a Public Safety and Public Health Payroll Reimbursement program payment, an eligible applicant must submit pages 1 15 of the Application Packet, including Form 5722, to the Michigan Department of Treasury with all the required information, initials, dates, and signatures.
- Q1.6. What does an eligible applicant need to do to receive a Public Safety and Public Health Payroll Reimbursement (PSPHPR) program payment?
 - **A1.6**. An eligible applicant must do the following to receive a Public Safety and Public Health Payroll Reimbursement program payment:
 - 1. Register with the Federal System for Award Management (SAM)
 - a. Round 1 Must register by July 26, 2020, or prior to submitting an Application Packet to Treasury
 - b. Round 2 Must register prior to submitting an Application Packet to Treasury
 - 2. Submit to Treasury Application Packet pages 1 -15
 - a. All pages initialed and dated
 - b. Form 5722 completed
 - c. Payroll Summary Report
 - d. Certification signed and notarized
- Q1.7. What happens once a round of requested expenditures exceeds the funding allotted?
 - **A1.7.** If the total amount of requested payroll reimbursements is greater than the amount available for the program, payments will be prorated. Payments will be prorated based on each eligible applicant's proportionate share of total expenditures submitted.

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Q1.8. What if a notary cannot be found before the deadline?

A1.8. Due to the short timeline, the Michigan Department of Treasury will accept round 1 filings (due August 7th) without the notarization, as long as a notarized copy of the Application Packet is submitted by August 21, 2020.

*** UPDATED July 31, 2020***

- Q1.9 What if an eligible applicant does not register with the Federal System for Award Management (SAM)?
 - A1.9 If an eligible applicant does not register with the SAM system, then the eligible applicant does not qualify as a subrecipient under the Federal grant award and therefore would not be eligible for a payment under the Public Safety and Public Health Payroll Reimbursement program.

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- Q1.10 An eligible applicant submitted an Application Packet for the Public Safety and Public Health Payroll Reimbursement program (PSPHPR) under 2020 PA 123. Will the applicant need to submit a new Application Packet under 2020 PA 144 to receive a reimbursement?
 - A1.10 No. Since 2020 PA 123 was repealed by 2020 PA 144 and the new legislation provides for the same program, eligible applicants do not need to resubmit an Application Packet to receive a reimbursement. Application Packets received under the former public act will be rolled into the 2020 PA 144 program.

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- Q1.11 Are electronic and digital signatures allowed?
 - A1.11 Yes, if the Application Packet is still notarized. Under Executive Order 2020-158, requirements for in-person notarizations are temporarily suspended.

 Transactions that require a notary are allowed to be completed via two-way, real-time audiovisual technology. The order also permits the use of electronic signatures in most cases, including for the Public Safety and Public Health Payroll Reimbursement program.

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2. Application Process

*** UPDATED July 31, 2020 to reflect changes in 2020 PA 144 ***

- Q2.1. Can an eligible applicant receive reimbursement for April and May payroll expenses if the Application Packet is received after the final Round 1 deadline, which is one week after the Governor signs the legislation?
 - **A2.1.** Possibly, if funding exists for a second round. Any submissions received by the Department of Treasury after the due date shall not receive a distribution in the first round of reimbursements. However, the submission will be considered for any possible distributions under the second round, if funding is available.

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- Q2.2. Who can initial and sign the Application Packet pages?
 - **A2.2.** The Application Packet should be completed by the Chief Administrative (Executive) officer. In many cases, the Chief Administrative Officer will be the person defined in MCL 141.422b (3) but could be any other individual that the local unit has designated.

As defined in MCL 141.422b (3), the Chief Administrative Officer means any of the following:

- (a) The manager of a village or, if a village does not employ a manager, the president of the village.
- (b) The city manager of a city or, if a city does not employ a city manager, the mayor of the city.
- (e) The manager of a township or, if the township does not employ a manager, the supervisor of the township.
- (f) The elected county executive or appointed county manager of a county; or if the county has not adopted an optional unified form of county government, the controller of the county appointed pursuant to section 13b of 1851 PA 156, MCL 46.13b; or if the county has not appointed a controller, an individual designated by the county board of commissioners of the county.
- (g) The official granted general administrative control of an authority or organization of government established by law that may expend funds of the authority or organization.

Signatures are required on pages 9 and 15 of the Application Packet. After verifying the entire Application Packet and reviewing all the requirements and terms and conditions of the grant, the same person needs to initial and date each page and sign both pages 9 and 15. The signatory on Form 5722, the page initials, and the certification at the end of the Application Packet must all be the same person. The contact person on Form 5722 should be the person that can answer questions related to the Application Packet submission.

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- Q2.3. Does the Department of Treasury (Treasury) require an eligible applicant to have the governing board take action related to the grant Application Packet submission prior to submitting to Treasury?
 - A2.3 No, the governing board only needs to be notified of the submission of the application and made aware of the Federal statutes, regulations and terms and conditions of the grant award.
- Q2.4 How does an eligible applicant complete the Payroll Summary Reports if the eligible applicant is requesting reimbursement for more than ten employees?
 - A2.4. If an eligible applicant needs to enter more employees than the Payroll Summary Reports (pages 12 and 13) will allow, the data for the remaining employees must be submitted on additional reports. An excel template can be found at https://www.michigan.gov/treasury/0,4679,7-121-1751_2197-532764--,00.html.
- Q2.5. Will the Department of Treasury (Treasury) follow up with an eligible applicant if a submitted Application Packet is incomplete or if Treasury has questions relating to the submitted Application Packet? Will incomplete submissions be rejected? Will an eligible applicant be allowed to submit revised pages and/or supplemental information?
 - A2.5. Yes, Treasury will be responding to all submissions. If the correct information is not submitted, Treasury will respond to the eligible applicant that additional information is needed. Treasury will inform an eligible applicant if their submission is incomplete. Incomplete submissions will not qualify for funding. Eligible applicants can submit revised pages and/or supplemental information.

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- Q2.6. Will Application Packet submissions that are missing items or include errors be considered late if not corrected before the deadline?
 - **A2.6.** An eligible applicant must submit pages 1 15 of the Application Packet with proper signatures, initials, and dates, in order for the Michigan Department of Treasury (Treasury) to consider the application complete. Submissions with minor errors will not be considered late; and Treasury will work with the eligible applicant to correct the errors.

Due to the short timeline, Treasury will accept round 1 submissions without the notarization, as long as a notarized copy of the application packet is submitted by August 21, 2020.

3. CARES Act Coronavirus Relief Fund (CRF) Funding Questions and Eligible Expenses

- Q3.1 What are the allowable uses of the Coronavirus Relief Fund?
 - **A3. 1** The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that:
 - 1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19)
 - were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government
 - 3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020
- Q3.2. Can payroll expenses, which are already budgeted in the most recently approved budget as of March 27, 2020, be funded by Coronavirus Relief Fund (CRF) funds?
 - **A3.2.** Yes, CRF money can be used for payroll expenses for public safety and public health, whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Further, personnel that were diverted to a substantially different function, due entirely to the COVID-19 public health emergency, to mitigate or respond to COVID-19 are allowable expenses.

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- Q3.3. Are the Coronavirus Relief Fund (CRF) funds allowed to be used as cost-share or match to other federal grant programs?
 - A3.3 The U.S. Department of Treasury has clarified that these funds cannot be used for match for federal programs. However, the Michigan Department of Treasury clarified in a CRF FAQ that these funds are eligible for the 25% local cost share match for disaster funds from the Federal Emergency Management Agency (FEMA). Therefore, an eligible applicant which received FEMA funding for payroll, that would be eligible under the PSPHPR program, and those payroll expenses were not fully funded by FEMA can use the CRF funds for the 25% local cost share match.
- Q3.4. What amount of payroll expenses, which are already budgeted, can be funded by Coronavirus Relief Fund (CRF) funds?
 - **A3.4.** Payroll expenses for public safety and public health whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency are allowable expenditures. Personnel that fall into these areas are presumed for administrative convenience to be substantially dedicated unless the chief executive determines that specific circumstances indicate otherwise.

In addition, personnel that were diverted to a substantially different function due entirely to the COVID-19 public health emergency and are supporting the response to COVID-19 are allowable. This could mean the repurpose of positions who would have been furloughed or laid off (in other words were underutilized due to COVID) to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

Future federal guidance may clarify these requirements.

Ultimately it is up to each eligible applicant to define its own threshold of "substantial dedication" and to maintain clear documentation of the justification for that decision and the use of the CRF for employee payroll.

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- Q3.5. What constitutes "substantially dedicated" for payroll expenses that can be funded with Coronavirus Relief Fund (CRF) funds?
 - **A3.5.** The State of Michigan, in its own use of the CRF funding, is utilizing the public safety presumption that all payroll expenses are presumed to be related to mitigating the COVID-19 pandemic. However, it is up to a jurisdiction to define its own thresholds of substantial dedication and to maintain clear documentation of the justification for that decision.

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- Q3.6 Reference is made in the Application Packet about federal guidance evolving and that eligible applicants are required to comply with the changing guidance. How will an eligible applicant know when the federal guidance changes?
 - A3.6 Eligible applicants should keep abreast of the ever-changing CARES Act Federal Guidance. Links are provided both in the Application Packet and Treasury's website for eligible applicants to use. Changes that specifically affect a program will be added to the Application Packet as an addendum for informational purposes only.

*** UPDATED July 31, 2020 to reflect changes in 2020 PA 144 ***

- Q3.7 What does an eligible applicant need to do if a county that received a direct allocation from the CARES Act provides some of the direct CARES Act dollars they received to the eligible applicant?
 - A3.7 If a county provides a portion of the direct CARES Act funding to an eligible applicant specifically to cover payroll or hazard pay premiums, the eligible applicant must reduce the amount requested under the program by the amount received from the county.

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4. Eligible Public Safety and Public Health Expenses

- Q4.1. What is considered an eligible public safety expenditure for purposes of the Public Safety and Public Health Payroll Reimbursement Program (PSPHPR)?
 - **A4.1.** Public safety payroll expenditures include wages, salary, and benefit costs for those individuals serving an eligible applicant as a law enforcement officer, firefighter, or member of a rescue squad or ambulance crew.

Firefighter includes a regularly employed member of a fire department of an eligible applicant who is employed to fight fires. Firefighter includes a volunteer member of a fire department.

Law enforcement officer includes an individual involved in crime and juvenile delinquency control or reduction or enforcement of the criminal law. Law enforcement officer includes police, corrections, probation, parole, bailiffs, or other similar court officers.

Members of a rescue squad or ambulance crew includes an emergency medical technician, a medical first responder, or a paramedic, as those terms are defined in sections 20904, 20906, and 20908 of the public health code, 1978 PA 368, MCL 333.20904, 333.20906, and 333.20908, or an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew.

Q4.2. What is considered an eligible public health payroll expenditure?

- **A4.2**. Eligible public health payroll expenditures include those payroll expenses paid by an eligible applicant for either of the following:
 - (a) A county health department of a single county provided pursuant to section 2413 of 1978 PA 368 and its board of health, if any.
 - (b) A district health department created pursuant to section 2415 of 1978 PA 368 and its board of health.
 - (c) A city health department created pursuant to section 2421 of 1978 PA 368 and its board of health, if any.
 - (d) Any other local agency approved by the department under part 24 of 1978 PA 368.

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- Q4.3. Which category does the payroll expenditures for firemen and EMTs get included in, Public Safety or Public Health?
 - A4.3. Public Safety
- Q4.4. What is the difference between expenditures incurred and expenditures paid? For April and May payroll, does that mean payroll earned by employees during those months or paid to employees during those months?
 - **A4.4.** For a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time, though it is generally expected that this will take place within 90 days of a cost being incurred.
 - For example, salary earned for work completed from May 17 to May 30 and was paid on June 5 would count as May payroll expenses.
- Q4.5. Are insurance and retirement contributions eligible expenses under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program?
 - **A4.5.** Yes, in the same proportion as an employee's wages and salary are eligible.
- Q4.6. Are payroll taxes, FICA and Social Security taxes eligible expenses under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program?
 - **A4.6.** Yes, in the same proportion as an employee's wages and salary are eligible.
- Q4.7. Can an applicant include lump-sum payouts, such as sick leave payouts for retiring employees, if they were paid during the period?
 - **A4.7.** No, only fringe benefit costs incurred during the period can be counted. Contributions to retirement and health insurance for hours worked during the period can be included. Workforce bonuses other than hazard pay or overtime are not eligible costs. Costs incurred or paid not related to the payroll for the period also cannot be included.

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- Q4.8 Are other premium payments eligible expenses examples are uniform allowance, dry cleaning allowance, travel, or tuition reimbursement?
 - **A4.8.** No, under the CARES Act, the only eligible premium payment eligible is hazard pay and overtime.
- Q4.9. Does the Public Safety and Public Health Payroll Reimbursement Program (PSPHPR) allow reimbursement of payroll costs for administrative personnel?
 - **A4.9.** No, payroll must be dedicated to the public safety and public health services.
- Q4.10. Can Department of Public Works payroll be included in Public Health?
 - **A4.10.** No, as they do not meet the definition for Public Safety or Public Health.

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- Q4.11. Can administrative or secretary positions be included in the eligible expenses for the Public Safety and Public Health Payroll Reimbursement Program (PSPHPR)?
 - **A4.11.** No, as they do not meet the definition for Public Safety or Public Health.

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- Q4.12. Are emergency management personnel eligible expenditures?
 - **A4.12.** No, as they do not meet the definition for Public Safety or Public Health.

*** NEW July 31, 2020 ***

Q4.13. Are police dispatch included as 911 operators?

A4.13. Yes.

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Q4.14. Can employees who are no longer employed by the eligible applicant be included?

A4.14. Yes.

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5. Contract Services and Authorities

*** UPDATED July 31, 2020 to reflect changes in PA 144 of 2020 ***

- Q5.1. Can authorities, colleges, universities, or other units of government receive reimbursement under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) Program?
 - **A5.1.** The eligible applicants under 2020 Public Act 144 were expanded from the version passed in 2020 PA 123. The updated legislation defines eligible applicants as a city, village, township, county, or local government authority, intergovernmental agency, or organization that employs local public safety or local public health personnel and that was established by a city, village, township, county, or group thereof, for the primary purpose of providing public safety or public health services.

The program will reimburse for the payroll expenses incurred by the eligible applicant. If the payroll expenses are not paid directly by the eligible applicant, the payroll expenses cannot be reimbursed under the program.

Colleges, universities, metroparks districts, public transportation authorities, and other governmental bodies may meet some of the requirements but are not organized mainly for public safety or public health services.

- Q5.2. Do contracted police, fire, and/or emergency costs qualify for reimbursement under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program?
 - **A5.2.** The PSPHPR program will only reimburse eligible applicants for the payroll expenses incurred by the eligible applicant. If the payroll expenses are not paid directly by an applicant, the payroll expenses are not eligible. Entities that contract for services do not have any payroll expenses and are therefore unable to apply for reimbursement under the PSPHPR program.

However, to be eligible for federal reimbursement of payroll costs, an eligible applicant cannot have received funding for their payroll expenses from any other entity. If an eligible applicant has received funding from another entity, they must refund (with non-federal funds) the payroll portion of the contract in order to apply for reimbursement of their entire payroll expenses.

For example, assume a County provides police service for a Township. The County spent a total of \$5.0 million on police costs in April and May 2020, of which \$4.5 million is attributable to payroll. The County received \$2.2 million from the Township, of which \$2.0 million was for payroll costs. Under the Public

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Safety and Public Health Payroll Reimbursement (PSPHPR) program, the County is eligible to apply for only the <u>unreimbursed</u> expenses. The County must refund the township's payment for payroll expenses of \$2.0 million, from <u>non-federal funds</u>, in order to seek full reimbursement (\$4.5 million) for the payroll costs. The federal funds must stay with the eligible applicant (in this case the county) that has the payroll expenses on its books and is responsible for all the requirements of the grant. In this example, the Township cannot apply for payroll reimbursement and is therefore not a federal grant subrecipient and cannot receive any of the grant funding.

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- Q5.3 Can an eligible applicant seek reimbursement for payroll expenses attributable to a non-qualified unit? If an eligible applicant has an agreement with a university, can the eligible applicant receive Public Safety and Public Health Payroll Reimbursement (PSPHPR) program funding and refund the fees paid by the non-qualified unit?
 - A5.3. No. Under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program an eligible applicant can only be reimbursed for the payroll expenses incurred by the eligible applicant. If the payroll expenses are not paid directly by the eligible applicant, the payroll expenses are not eligible for reimbursement under the program. To be eligible for federal reimbursement of payroll costs, an eligible applicant cannot have received funding for their payroll expenses from any source.

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- Q5.4 For eligible applicants that contract for services (i.e. police, fire, ambulance) can the eligible applicant request reimbursement of those contract costs (or a portion of them) under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program?
 - **A5.4** No. Contract costs are not eligible expenditures under the PSPHPR.

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6. Accounting and Federal Reporting Compliance

- Q6.1. What account should an eligible applicant deposit the Public Safety and Public Health Payroll Reimbursement (PSPHPR) payment?
 - **A6.1.** Guidance will be coming shortly.
- Q6.2. Will the funding received under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program be considered a federal grant to the eligible applicant for the purposes of single audit?
 - **A6.2.** Yes.
- Q6.3. Should the eligible applicant setup a separate fund to account for other CARES Act and federal COVID-19 financial assistance?
 - **A6.3.** Guidance will be coming shortly.
- Q6.4. What does the words "prime recipient" mean on page 8, in the section on record retention requirements, of the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program Application Packet?
 - **A6.4.** The prime recipient means the recipient receiving the funds directly from the Federal Funding Provider, which in this case is the State of Michigan.
- Q6.5. What fiscal year should an eligible applicant record a Public Safety and Public Health Payroll Reimbursement (PSPHPR) program payment if an eligible applicant incurs the expense in one fiscal year and receives the reimbursement in the next fiscal year?
 - **A6.5.** Guidance will be coming shortly.

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7. Reimbursement Process

- Q7.1. Can an eligible applicant apply for both the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program and the First Responder Hazard Pay Premiums Program (FRHPPP)?
 - **A7.1.** Yes, but eligible applicants cannot request reimbursement of the same payroll expenses under both programs. If an eligible applicant has requested the hazard pay premiums under the PSPHPR program, then the eligible applicant cannot request reimbursement of those same expenses under FRHPPP. Expenditures cannot receive funding from multiple funding sources.

*** UPDATED July 31, 2020 ***

- Q7.2. If an applicant is eligible for FEMA funding, do they need to submit to FEMA first? How can an eligible applicant meet the August 7 deadline in the event FEMA disallows a submission for reimbursement? Is the first filing date with FEMA utilized for timing?
 - A7.2. No, eligible applicants can apply under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program for any unreimbursed, eligible expenses prior to apply for a FEMA grant. If additional federal funding is received at a later time, the applicant must notify the Michigan Department of Treasury and rescind the Application Packet submitted.

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- Q7.3 If an eligible applicant has a FEMA grant, can the eligible applicant request reimbursement under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) Program for the FEMA match amount?
 - A7.3 The match requirement for FEMA is an allowable expense under the CARES Act. An eligible applicant can include payroll expenses related to a FEMA match in the request for reimbursement under the PSPHPR program.