

## 2014 AMERICORPS STATE and NATIONAL GRANT PROVISIONS

Effective June 1, 2014

**These Corporation for National & Community Service (CNCS) AmeriCorps State and National Grant Provisions are binding on the grantee.** By accepting funds under this grant, the grantee agrees to comply with, and include in all subgrants, the AmeriCorps State and National Grant Provisions, all applicable federal statutes, regulations and guidelines, and any amendments thereto. The grantee agrees to operate the funded program in accordance with the approved grant application and budget, supporting documents, and other representations made in support of the approved grant application. The term grantee is used to connote either grantee or subgrantee, as appropriate, throughout these Provisions.

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## **I. CHANGES FROM THE 2013 AMERICORPS GRANT PROVISIONS**

For your convenience, we have identified changes from last year's AmeriCorps State and National grant provisions. The list below is general and informational in nature, not comprehensive. We reiterate the importance of reviewing all grant provisions, because grantees are responsible for knowing, understanding, and complying with all grant provisions.

1. Section IV.A.5.d. – Updated language to match the statute
2. Section IV.C.3. and IV.G.5. – Included the specific citation to find the FAQs
3. Section IV.E.3.d. – Added a sub-section on refilling slots
4. Section IV.E.4. – Added additional information regarding health insurance for members
5. Section IV.G.5. – Added information regarding eligibility for child care
6. Section IV.G.6. – Deleted the requirement to notify CNCS when a member's status changes that affects healthcare
7. Section IV.J – Updated the progress reporting period covered by the October 30<sup>th</sup> report
8. Section IV.J.4 – Added requests for extensions must be in writing
9. Section V.D. – Added the section on Reporting of Fraud, Waste, and Abuse
10. Section V.E. – Added the section on Whistleblower Protection
11. Section V.M. and N. – Updated the citation for SAM
12. Replaced the 2013 Civil Rights and Non-Harassment Policy with the 2014 Policy

## **II. LEGISLATIVE AND REGULATORY AUTHORITY**

This grant is authorized by and subject to the National and Community Service Act of 1990, as amended by the Serve America Act, 42 U.S.C. 12501 *et seq.*, and the implementing regulations at 45 CFR Chapter XXV. Grantees must comply with the requirements of the Act and its implementing regulations.

## **III. OTHER APPLICABLE STATUTORY AND ADMINISTRATIVE PROVISIONS**

The following applicable federal cost principles, administrative requirements and audit requirements are incorporated by reference:

### **A. STATES, INDIAN TRIBES, U.S. TERRITORIES, AND LOCAL GOVERNMENTS**

The following circulars and their implementing regulations apply to states, Indian tribes, U.S. territories, and local governments:

1. OMB Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments – 45 CFR Part 2541.
2. OMB Circular A-87, Cost Principles for State and Local Governments – 2 CFR Part 225.
3. OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations.

Fixed Amount grants are exempt from OMB Circular A-87, Cost Principles for State and Local Governments – 2 CFR Part 225.

## **B. NONPROFIT ORGANIZATIONS**

The following circulars and their implementing regulations apply to nonprofit organizations:

1. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
2. OMB Circular A-122, Cost Principles for Nonprofit Organizations – 2 CFR Part 230.
3. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

Fixed Amount grants are exempt from OMB Circular A-122, Cost Principles for Nonprofit Organizations - 2 CFR Part 230.

## **C. EDUCATIONAL INSTITUTIONS**

The following circulars and their implementing regulations apply to educational institutions:

1. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
2. OMB Circular A-21, Cost Principles for Educational Institutions – 2 CFR Part 220.
3. OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations.

Fixed Amount grants are exempt from OMB Circular A-21, Cost Principles for Educational Institutions – 2 CFR Part 220.

These documents can be found here: [www.whitehouse.gov/omb/financial\\_offm\\_circulars/](http://www.whitehouse.gov/omb/financial_offm_circulars/).

## **D. OTHER APPLICABLE STATUTES AND REGULATIONS**

The grantee must comply with all other applicable statutes, executive orders, regulations, and policies governing the grant, including, but not limited to, those cited in these Grant Provisions, the Grant Assurances and Certifications, and those cited in 45 CFR Parts 2541 and 2543.

## **E. EXEMPTIONS FOR FIXED AMOUNT GRANTS**

Fixed Amount grants are exempt from the Cost Principles. (See above for the exemptions.) Fixed Amount grants must comply with OMB Circular A-133 and the Uniform Administrative Requirements. Fixed Amount grants include Education Award program (EAP) Fixed Amount grants, Professional Corps Fixed Amount grants, and Full-Cost Fixed Amount grants.

## **F. ORDER OF PRECEDENCE**

Any inconsistency in the Grant Award shall be resolved by giving precedence in the following order (a) applicable Federal statutes, (b) applicable Federal regulations, (c) CNCS Special Grant Provisions, (d) CNCS General Grant Provisions, (e) the Notice of Funding Opportunity, and (f) the approved Grant Application including all assurances, certifications, attachments, and pre-award negotiations.

## **IV. AMERICORPS SPECIAL PROVISIONS**

### **A. DEFINITIONS**

For purposes of this grant the following definitions apply:

1. **Grantee**, for the purposes of this agreement, means the direct recipient of this grant. The grantee is legally accountable to CNCS for the use of grant funds and is bound by the provisions of the grant. The grantee is responsible for ensuring that subgrantees or other organizations carrying out activities under this award comply with all applicable Federal requirements, including these provisions, regulations and OMB circulars incorporated by reference.
2. **Subgrantee** refers to an organization receiving AmeriCorps grant funds or member positions from a grantee of CNCS. See 2 CFR § 215.5, 45 CFR § 2453.5, and 45 CFR § 2541.370.
3. **Operating site** means the organization that manages the AmeriCorps program and places members into service locations. State subgrantees (programs) are operating sites. National grantees must identify at least one operating site to which they can assign service locations in the state where they are placing members.
4. **Service Location** means the organization where or with which a member actually provides his or her service in the community. Typical service locations are schools, food banks, health clinics, community parks, etc. The service location may be the same as the operating site, but only if the member actually serves at or with the operating site organization. A member may serve at multiple service locations, all of which must be listed in the portal, although the program must select only one for the member's primary assignment.
5. **Member or participant** means an individual:

- a. Who has been selected by a grantee or subgrantee to serve in an approved national service position;
- b. Who is a U.S. citizen, U.S. national, or lawful permanent resident alien of the United States;
- c. Who is at least 17 years of age at the commencement of service unless the member is out of school and enrolled in a full-time, year-round youth corps or full-time summer program as defined in the Act (42 U.S.C. § 12572 (a)(3)(B)(x)), in which case he or she must be between the ages of 16 and 25, inclusive, and
- d. Who has received a high school diploma or its equivalent, agrees to obtain a high school diploma or its equivalent (unless this requirement is waived based on an individual education assessment conducted by the program) and the individual did not drop out of an elementary or secondary school to enroll in the program, or is enrolled in an institution of higher education on an ability to benefit basis and is considered eligible for funds under section 1091 of title 20.

## **B. AFFILIATION WITH THE AMERICORPS NATIONAL SERVICE PROGRAM**

1. **Identification as an AmeriCorps Program or Member.** The grantee shall identify the program as an AmeriCorps program and members as AmeriCorps members. All partnership agreements/MOUs related to the AmeriCorps program must explicitly state that the program is an AmeriCorps program and AmeriCorps members are the resource being provided.
2. **The AmeriCorps Name and Logo.** AmeriCorps is a registered service mark of CNCS. CNCS provides a camera-ready logo. All grantee and subgrantee websites shall clearly state that they are an AmeriCorps grantee and shall prominently display the AmeriCorps logo. Grantees and subgrantees shall use the AmeriCorps name and logo on service gear and public materials such as stationery, application forms, recruitment brochures, on-line position postings or other recruitment materials, orientation materials, member curriculum materials, signs, banners, press releases and publications related to their AmeriCorps program in accordance with CNCS requirements.

To publicize the relationship between the program and AmeriCorps, the grantee shall describe their program as “an AmeriCorps program.” Grantees shall provide information or training to their AmeriCorps members about how their program is part of the national AmeriCorps program and about the other national service programs of CNCS. Grantees are strongly encouraged to place signs that include the AmeriCorps name and logo at their service sites and may use the slogan “AmeriCorps Serving Here.” AmeriCorps members should state that they are AmeriCorps members during public speaking opportunities.

The grantee may not alter the AmeriCorps logo, and must obtain written permission from CNCS before using the AmeriCorps name or logo on materials that will be sold, or permitting donors to use the AmeriCorps name or logo in promotional materials. The grantee may not use or display the AmeriCorps name or logo in connection with any activity prohibited by statute, regulation, or these grant provisions.

## C. MEMBER RECRUITMENT, SELECTION, AND EXIT

Member recruitment and selection requirements are in CNCS's regulations at 45 CFR §§ 2522.210 and Part 2540. In addition, the grantee must ensure that the following procedures are followed:

1. **Notice to CNCS's National Service Trust.** The grantee must notify CNCS's National Service Trust, via the MyAmeriCorps Portal, within 30 days of a member's start of, completion of, suspension from, or release from, a term of service. Suspension of service is defined as an extended period during which the member is not serving, nor accumulating service hours or receiving AmeriCorps benefits.

The grantee also must notify the Trust, via the My AmeriCorps Portal, when a change in a member's term of service is approved and changed (i.e. from full-time to less than full-time or vice versa). Failure to report such changes within 30 days may result in sanctions to the grantee, up to and including, suspension or termination of the grant. Grantees or subgrantees meet notification requirements by using the appropriate electronic system to inform CNCS of changes within the required time frames. Any questions regarding the Trust should be directed to the Trust Office (800) 942-2677.

***Penalties for false information:*** Any individual who makes a materially false statement or representation in connection with the approval or disbursement of an education award or other payment from the National Service Trust may be liable for the recovery of funds and subject to civil and criminal sanctions.

2. **Parental Consent.** Parental or legal guardian consent must be obtained for members under 18 years of age before members begin a term of service. Grantees may also include an informed consent form of their own design as part of the member service agreement materials.
3. **Reasonable Accommodation.** Programs and activities must be accessible to persons with disabilities, and the grantee must provide reasonable accommodation to the known mental or physical disabilities of otherwise qualified members, service recipients, applicants, and staff. All selections and project assignments must be made without regard to the need to provide reasonable accommodation. See the FAQ for more information:  
([http://www.nationalservice.gov/sites/default/files/documents/AmeriCorps\\_State\\_National\\_Policy\\_FAQs.pdf](http://www.nationalservice.gov/sites/default/files/documents/AmeriCorps_State_National_Policy_FAQs.pdf)).
4. **Assigning Members to Service Locations.** The grantee is required to ensure that all operating sites and all service locations are entered in the My AmeriCorps portal for all members within 30 days of members' starting a term of service. The grantee is required to include the name of the organization, and the full address or zip-plus-four of the service locations where each member will be serving. If a member is serving at multiple service locations, the program must select the one where the member serves a majority of

his or her hours for the member's assignment, however, all service locations must be listed in the portal.

5. **Completion of Terms of Service.** The grantee must ensure that each member has sufficient opportunity to complete the required number of hours of service to qualify for the education award. Members must be exited within 30 days of the end of their term of service. Should a program not be renewed, a member who was scheduled to continue in a term of service may either be placed in another program, where feasible, or if the member has completed at least 15% of the service hour requirement, a member may receive a pro-rated education award.
6. **Member Exit.** In order for a member to receive an education award from the National Service Trust, the grantee must certify to the National Service Trust that the member satisfactorily and successfully completed the term of service, and is eligible to receive the education benefit. The grantee (and any individual or entity acting on behalf of the grantee) is responsible for the accuracy of the information certified on the end-of-term certification.

#### **D. SUPERVISION AND SUPPORT**

1. **Planning for the Term of Service.** The grantee must develop member positions that provide for meaningful service activities and performance criteria that are appropriate to the skill level of members. The grantee is responsible for ensuring that the positions do not include or put the AmeriCorps member in a situation in which the member is at risk for engaging in any prohibited activity (see 45 CFR § 2520.65), activity that would violate the non-duplication and non-displacement requirements (see 45 CFR § 2540.100), or prohibited fundraising activity (see 45 CFR §§ 2520.40-.45). The grantee must accurately and completely describe the activities to be performed by each member in a position description. Position descriptions must be provided to CNCS upon request. The grantee must ensure that each member has sufficient opportunity to complete the required number of hours to qualify for an education award. In planning for the member's term of service, the grantee must account for holidays and other time off, and must provide each member with sufficient opportunity to make up missed hours.
2. **Member Service Agreements.** The grantee must require that each member sign a member service agreement that includes, at minimum, the following:
  - a. Member position description;
  - b. The minimum number of service hours (as required by statute) and other requirements (as developed by the grantee) necessary to successfully complete the term of service and to be eligible for the education award;
  - c. The amount of the education award being offered for successful completion of the terms of service in which the individual is enrolling;
  - d. Standards of conduct, as developed by the grantee or subgrantee;
  - e. The list of prohibited activities, including those specified in the regulations at 45 CFR § 2520.65 (see paragraph 3, below);

- f. The text of [45 CFR §§ 2540.100\(e\)-\(f\)](#), which relates to Non-duplication and Nondisplacement;
- g. The text of [45 CFR §§ 2520.40-.45](#), which relates to fundraising by members;
- h. Requirements under the Drug-Free Workplace Act (41 U.S.C. § 701 *et seq.*);
- i. Civil rights requirements, complaint procedures, and rights of beneficiaries (see Section V.F.);
- j. Suspension and termination rules;
- k. The specific circumstances under which a member may be released for cause;
- l. Grievance procedures; and
- m. Other requirements established by the grantee.

The grantee should ensure that the service agreement is signed before commencement of service so that members are fully aware of their rights and responsibilities.

3. **Prohibited Activities.** While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or CNCS, staff and members may not engage in the following activities (see 45 CFR § 2520.65):

- a. Attempting to influence legislation;
- b. Organizing or engaging in protests, petitions, boycotts, or strikes;
- c. Assisting, promoting, or deterring union organizing;
- d. Impairing existing contracts for services or collective bargaining agreements;
- e. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
- f. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
- g. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
- h. Providing a direct benefit to—
  - i. A business organized for profit;
  - ii. A labor union;
  - iii. A partisan political organization;
  - iv. A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 related to engaging in political activities or substantial amount of lobbying except that nothing in these provisions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
  - v. An organization engaged in the religious activities described in paragraph 3.g. above, unless CNCS assistance is not used to support those religious activities;
- i. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive;



- j. Providing abortion services or referrals for receipt of such services; and
- k. Such other activities as CNCS may prohibit.

AmeriCorps members may not engage in the above activities directly or indirectly by recruiting, training, or managing others for the primary purpose of engaging in one of the activities listed above. Individuals may exercise their rights as private citizens and may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using non-CNCS funds. Individuals should not wear the AmeriCorps logo while doing so.

4. **Supervision.** The grantee must provide members with adequate supervision by qualified supervisors consistent with the approved grant application. The grantee must conduct an orientation for members, including training on what activities are prohibited during AmeriCorps service hours, and comply with any pre-service orientation or training required by CNCS. The grantee must ensure that it does not exceed the limitation on member service hours spent in education and training set forth in 45 CFR § 2520.50.
5. **Performance Reviews.** The grantee must conduct and keep a record of at least a midterm and an end-of-term written evaluation of each member's performance for Full and Half-Time members and an end-of-term written evaluation for less than Half-time members. The end-of-term evaluation should address, at a minimum, the following factors:
  - a. Whether the member has completed the required number of hours;
  - b. Whether the member has satisfactorily completed assignments; and
  - c. Whether the member has met other performance criteria that were clearly communicated at the beginning of the term of service.
6. **Timekeeping.** The grantee is required to ensure that time and attendance recordkeeping is conducted by the AmeriCorps member's supervisor. This time and attendance record is used to document member eligibility for in-service and post-service benefits. Time and attendance records must be signed and dated both by the member and his/her supervisor.

If a Professional Corps program wants to follow the timekeeping practices of its profession and certify that members have completed the minimum required hours, excluding sick and vacation days, it must get advance written approval from CNCS.
7. **Member Death or Injury.** The grantee must immediately report any member deaths or serious injuries to the designated CNCS Program Officer.

## **E. CHANGES IN MEMBER TERMS OF SERVICE OR PROGRAM SLOTS**

1. **Changes that Require CNCS Approval.** Circumstances may arise within a program that necessitate changing the type of unfilled AmeriCorps member positions awarded to a grantee or subgrantee, or changing the term of service of a currently enrolled member. Note that once a member is exited with a partial education award, the remaining portion

of that education award is not available for use. The following changes require written approval from CNCS's Office of Grants Management as well as written approval and concurrence from the State Commission or National Direct grantee:

- a. A change in the number of member service year positions in the grant; and/or
- b. A change in the funding level of the grant.

2. **Changing Slot Types (unfilled positions).** Except for Full-cost Fixed-amount and Professional Corps Fixed-amount grants, grantees or subgrantees may change the type of slots awarded to their program if:

- a. The change does not increase the total MSYs authorized in the Notice of Grant Award (e.g. one half-time position cannot be changed to one full-time position); and
- b. The change does not increase the value of the education award.

All changes to slot type are subject to availability of funds in the Trust, must be Trust neutral, and must comply with all assumptions on which Trust prudence and continued solvency are predicted. Changes in slot type may be made by the grantee directly in the My AmeriCorps Portal.

3. **Changing a Term of Service (currently enrolled positions).** Changes in terms of service may not result in an increased number of MSYs for the program. With the exception of Education Award only grants, grantees with Fixed Amount grants may not convert members to less-than-full-time slots.

- a. **Full-time.** State Commissions and National Direct Organizations may authorize or approve occasional changes of currently enrolled full-time members to less than full-time members. Impact on program quality should be factored into approval of such requests. CNCS will not cover health care or childcare costs for less than full-time members. It is not allowable to transfer currently enrolled full-time members to a less than full-time status simply to provide a less than full-time education award.
- b. **Less than Full-time.** CNCS discourages changing less than full-time members to full-time because it is very difficult to manage, unless done very early in the member's term of service. State Commissions and National Direct Parent Organizations may authorize or approve such changes so long as their current budget can accommodate such changes. Programs must keep in mind that a member's minimum 1700 hours must be completed within 12 months of the member's original start date.
- c. **Refilling Slots.** With the exception of grantees whose awards have special grant conditions under 45 CFR § 2543.14 or § 2541.120, AmeriCorps State and National programs that have fully enrolled their awarded member slots are allowed to replace any member who terminates service before completing 30 percent of his/her term provided that the member who is terminated is not eligible for and does not receive a pro-rated education award. Programs may not refill the same slot more than once.

As a fail-safe mechanism to ensure that resources are available in the National Service Trust to finance all earned education awards, CNCS will suspend refilling if either:

- i. Total AmeriCorps enrollment reaches 97 percent of awarded slots; or
- ii. The number of refills reaches five percent of awarded slots.
- d. Slots eligible for refill may not be transferred. Additionally, they may not be combined with unfilled slots.

4. **Formula and State Competitive Grant Slot Transfers.** State commissions are allowed to transfer slots among their state formula and competitive subgrantees in order to maximize enrollment and cost effectiveness without prior approval. State commissions may not transfer slots between competitive and formula subgrantees, or vice-versa. State commissions may not transfer funds among their competitive subgrantees.
5. **Notice to Childcare and Healthcare Providers.** The grantee must immediately notify CNCS's designated agents, in writing, when a member's status changes in a manner that affects eligibility for childcare or healthcare. See Section IV.G. 6.

## **F. RELEASE FROM PARTICIPATION**

Grantees may release members from participation for two reasons: (a) for compelling personal circumstances; and (b) for cause. See 45 CFR § 2522.230 for requirements. Whether the reason for the release amounts to circumstances beyond the member's control is determined by the grantee, consistent with the criteria listed in 45 CFR § 2522.230(a). Failure to follow the requirements set forth in regulation (e.g., releasing an individual for a non-compelling personal circumstance, such as when the individual is leaving to go to school) is considered non-compliance with grant requirements and may result in disallowed costs and other remedies for non-compliance. In addition to the regulations, the following applies:

***No Automatic Disqualification if Released for Cause:*** A release for cause covers all circumstances in which a member does not successfully complete his/her term of service for reasons other than compelling personal circumstances. Therefore, it is possible for a member to receive a satisfactory performance review and be released for cause. For example, a member who is released for cause from a first term—e.g. the individual has decided to take a job offer—but who, otherwise, performed well, would not be disqualified from enrolling for a subsequent term as long as the individual received a satisfactory performance evaluation for the first period of service.

## **G. LIVING ALLOWANCES, OTHER IN-SERVICE BENEFITS, AND TAXES**

1. **Living Allowance Distribution.** A living allowance is not a wage. Grantees must not pay a living allowance on an hourly basis. Grantees should pay the living allowance in regular increments, such as weekly or bi-weekly, paying an increased increment only on the basis of increased living expenses such as food, housing, or transportation. Payments should not fluctuate based on the number of hours served in a particular time period, and must cease when the member's service ceases.

If a member serves all required hours and is permitted to conclude his or her term of service before the originally agreed upon end of term, the grantee may not provide a lump sum payment to the member. Similarly, if a member is selected after the program's start date, the grantee must provide regular living allowance payments from the member's start date and may not increase the member's living allowance incremental payment or provide a lump sum to make up any missed payments.

Education Award Program Fixed-Amount grants (EAPs) may provide a living allowance or other in-service benefits to their members, but are not required to do so. Full-cost and other Fixed Amount grantees must provide a living allowance to their members.

2. **Waiving the Living Allowance.** If a living allowance is paid, a member may waive all or part of the payment of a living allowance if he or she believes his or her public assistance may be lost or decreased because of the living allowance. Even if a member waives his or her right to receive the living allowance, it is possible—depending on the specific public assistance program rules—that the amount of the living allowance that the member is eligible to receive will be deemed available. A member who has waived the living allowance may revoke the waiver at any time and may begin receiving the living allowance going forward from the date the individual revoked the waiver. A member may not receive any portion of the living allowance for the period of time the living allowance was waived.
3. **Taxes and Insurance.** Requirements related to member living allowances and benefits are in 45 CFR §§ 2522.240 and 2522.250. In addition, grantees must ensure that the following procedures are followed:
  - a. **Liability Insurance Coverage.** The grantee is responsible for ensuring adequate general liability coverage for the organization, employees and members, including coverage of members engaged in on- and off-site project activities.
  - b. **FICA (Social Security and Medicare taxes).** Unless the grantee obtains a ruling from the Social Security Administration or the Internal Revenue Service that specifically exempts its AmeriCorps members from FICA requirements, the grantee must pay FICA for any member receiving a living allowance. The grantee also must withhold 7.65% from the member's living allowance.
  - c. **Income Taxes.** The grantee must withhold Federal personal income taxes from member living allowances, requiring each member to complete a W-4 form at the beginning of the term of service and providing a W-2 form at the close of the tax year. The grantee must comply with any applicable state or local tax requirements.
  - d. **Worker's Compensation.** Some states require worker's compensation for AmeriCorps members. Grantees must check with State Departments of Labor or state commissions to determine worker's compensation requirements. If worker's compensation is not required, grantees must obtain Occupational, Accidental, and Death and Dismemberment coverage for members to cover in-service injury or incidents.

4. **Healthcare Coverage.** Except for EAPs, Professional Corps, or members covered under a collective bargaining agreement, the grantee must provide, or make available, healthcare insurance to those members serving a 1700-hour full-time term who are not otherwise covered by a healthcare policy at the time the member begins his/her term of service. The grantee must also provide, or make available, healthcare insurance to members serving a 1700-hour full-time term who lose coverage during their term of service as a result of service or through no deliberate act of their own. CNCS will not cover healthcare costs for dependent coverage.

Less-than-full-time members who are serving in a full-time capacity for a sustained period of time (e.g. a full-time summer project) are eligible for healthcare benefits. Programs may provide health insurance to less-than-full-time members serving in a full-time capacity, but they are not required to do so. For purposes of this provision, a member is serving in a full-time capacity when his/her regular term of service will involve performing service on a normal full-time schedule for a period of six weeks or more. A member may be serving in a full-time capacity without regard to whether his/her agreed term of service will result in a full-time Segal AmeriCorps Education Award.

Any of the following health insurance options will satisfy the requirement for health insurance for full-time AmeriCorps members (or less than full-time members serving in a full-time capacity): staying on parents' or spouse plan; insurance obtained through the Federal Health Insurance Marketplace of at least the Bronze level plan; insurance obtained through private insurance broker; Medicaid, Medicare or military benefits. By July 1, 2015, all AmeriCorps programs must have MEC coverage. For fiscal year 2014, programs must document evidence of working towards MEC compliance.

Per a May 14, 2014 notice, the Department of Health and Human Services (HHS) issued guidance that created a special healthcare enrollment period (through December 31, 2014) for all AmeriCorps State and National members.

**Starting Service:** If you start AmeriCorps State and National service after the open enrollment period which ended on March 30, 2014, you have 60 days from the service start date to sign-up for healthcare coverage through the federal healthcare marketplace.

**Ending Service:** At the conclusion of service, you will also be able to purchase a qualified health plan from the federal healthcare marketplace outside of the annual open enrollment period. You have 60 days from the service end date to sign-up for healthcare coverage.

If coverage is being provided via the Healthcare Marketplace, and thus third party payment is not an option, programs must develop a process to reimburse members for monthly premiums. Reimbursements for health insurance premiums are considered taxable income for the member, and programs must have a way to document such reimbursements.

5. **Administration of Childcare Payments.** In general, CNCS will provide for childcare payments, which will be administered through an outside contractor. Requirements and

eligibility criteria are in the AmeriCorps regulations, 45 CFR § 2522.250. Members serving in EAPs are not eligible for the childcare benefit. CNCS will not cover childcare costs for members who served on a less than full-time basis, or who have ceased serving. Programs may provide child care to less-than-full-time members serving in a full-time capacity, but they are not required to do so. Grantees that choose to provide childcare as a match source (as approved in their budget) may contact the childcare contractor for technical assistance. Grantees can contact the AmeriCorps hotline at 1-800-942-2677 with questions regarding childcare. The criteria for member eligibility are contained in 45 CFR § 2522.250. Also see the FAQs, ([http://www.nationalservice.gov/sites/default/files/documents/AmeriCorps\\_State\\_National\\_Policy\\_FAQs.pdf](http://www.nationalservice.gov/sites/default/files/documents/AmeriCorps_State_National_Policy_FAQs.pdf)) for more detailed information on administering childcare and healthcare benefits.

6. **Notice to Childcare Providers.** The grantee must immediately notify CNCS's designated agents in writing, when a member's status changes in a manner that affects the member's eligibility for childcare. Examples of changes in status include: changes to a member's scheduled service so that he/she is no longer serving on a full-time basis, terminating or releasing a member from service, and suspending a member for cause for a lengthy or indefinite time period. Program directors should contact the childcare provider on childcare related changes.

## **H. MEMBER RECORDS AND CONFIDENTIALITY**

1. **Recordkeeping.** The grantee must maintain records, including the position description, sufficient to establish that each member was eligible to participate and that the member successfully completed all program requirements. A program may store member files electronically and use electronic signatures if the program can ensure the validity and integrity of the record and signature is maintained. CNCS will recognize electronically stored files where:

The electronic storage procedures and system provide for the safe-keeping and security of the records, including:

- a. Sufficient prevention of unauthorized alterations or erasures of records;
- b. Effective security measures to ensure that only authorized persons have access to records;
- c. Adequate measures designed to prevent physical damage to records; and
- d. A system providing for back-up and recovery of records; and

The electronic storage procedures and system provide for the easy retrieval of records in a timely fashion, including:

- a. Storage of the records in a physically accessible location;
- b. Clear and accurate labeling of all records; and
- c. Storage of the records in a usable, readable format.

2. **Verification of Eligibility.** Unless an individual social security number and citizenship was verified through the My AmeriCorps Portal, the grantee must obtain and maintain documentation as required by 45 CFR § 2522.200(c). CNCS does not require programs to make and retain copies of the actual documents used to confirm age or citizenship eligibility requirements, such as a driver's license, or birth certificate, as long as the grantee has a consistent practice of identifying the documents that were reviewed and maintaining a record of the review.

Enrolling in the My AmeriCorps portal requires members to certify their high school status. Such certification fulfills the grantee's verification requirement to obtain and maintain documentation from the member relating to the member's high school education. If the member is incapable of obtaining a high school diploma or its equivalent, as determined by an independent evaluation, the grantee must retain a copy of the supporting evaluation.

3. **Confidential Member Information.** The grantee must maintain the confidentiality of information regarding individual members. The grantee must obtain the prior written consent of all members before using their names, photographs and other identifying information for publicity, promotional or other purposes. Grantees may release aggregate and other non-identifying information, and are required to release member information to CNCS and its designated contractors. The grantee must permit a member who submits a written request for access to review records that pertain to the member and were created pursuant to this grant.
4. **National Service Criminal History Check.** The specific requirements of the National Service Criminal History Check, including the timing and recordkeeping requirements, are specified at [45 CFR §§ 2540.200 - .207](#). You must retain a record of the NSOPW search and associated results either by printing the screen(s) or by some other method that retains paper or digital images of the NSOPW checks, inclusive of the date record for when the search was performed. Inability to demonstrate that you conducted an NSOPW or the required criminal history check, as specified in the regulations, may result in sanctions, including disallowance of costs.

## **I. BUDGET AND PROGRAMMATIC CHANGES**

1. **Programmatic Changes.** The grantee must first obtain the prior written approval of the AmeriCorps Program Office before making any of the following changes (a-c):
  - a. Changes in the scope, objectives or goals of the program, whether or not they involve budgetary changes;
  - b. Substantial changes in the level of participant supervision;
  - c. Entering into additional subgrants or contracts for AmeriCorps activities funded by the grant, but not identified or included in the approved application and grant budget.

Upon notification to the AmeriCorps Program Office, grantees may make programmatic changes due to, or in response to, an officially-declared state or national disaster without

written approval from CNCS. As soon as practicable, grantees making disaster-related programmatic changes must discuss the recordkeeping, member activities, performance measure adjustments, and other AmeriCorps grant requirements with the AmeriCorps Program Office. While written approval from CNCS is not required before making disaster-related programmatic changes, CNCS reserves the right to limit or deny disaster-related programmatic changes.

2. **Program Changes for Formula Programs.** State Commissions are responsible for approving the above changes for state formula programs.
3. **Budgetary Changes.** The grantee must obtain the prior written approval of CNCS's Office of Grants Management before deviating from the approved budget in any of the following ways:
  - a. Specific Costs Requiring Prior Approval before Incurrence under OMB Circulars A-21 (2 CFR Part 220), A-87 (2 CFR Part 225), or A-122 (2 CFR Part 230). For certain cost items, the cost circulars require approval of the awarding agency for the cost to be allowable. Examples of these costs are overtime pay, rearrangement and alteration costs, and pre-award costs.
  - b. Purchases of Equipment over \$5,000 using grant funds, unless specified in the approved application and budget.
  - c. Unless the CNCS share of the award is \$100,000 or less, changes to cumulative and/or aggregate budget line items that amount to 10 per cent or more of the total budget must be approved in writing in advance by CNCS. The total budget includes both the CNCS and grantee shares. Grantees may transfer funds among approved direct cost categories when the cumulative amount of such transfers does not exceed 10 percent of the total budget.
4. **Approvals of Programmatic and Budget Changes.** CNCS's Grants Officers are the only officials who have the authority to alter or change the provisions or requirements of the grant. The Grants Officers will execute written amendments, and grantees should not assume approvals have been granted unless documentation from the Grants Office has been received. Programmatic changes also require final approval of CNCS's Office of Grants Management after written recommendation for approval is received from the Program Office.
5. **Exceptions for Fixed Amount Grants.** Grantees with Fixed Amount grants are not subject to the requirements in Section 3, Budgetary Changes.

## **J. REPORTING REQUIREMENTS**

This section applies only to the grantee. The grantee is responsible for timely submission of periodic financial and progress reports during the project period and a final financial report and for setting submission deadlines for its respective subgrantees that ensure the timely submission of grantee reports. .



1. **Grantee Progress Reports.** The grantee shall complete and submit progress reports in eGrants to report on progress toward achievement of its approved performance targets.

**Due Date**

April 30  
October 31

**Reporting Period Covered**

Start of grant through March 31  
Start of grant year through end of grant year or September 30, whichever is sooner

2. **Financial Reports.** The grantee shall complete and submit financial reports in eGrants (Financial Status Reports on menu tree) to report the status of all funds. The grantee must submit timely cumulative financial reports in accordance with CNCS guidelines according to the following schedule:

**Due Date**

April 30  
October 31

**Reporting Period Covered**

Start of grant through March 31  
April 1 – September 30

A grantee must set submission deadlines for its respective subgrantees that ensure the timely submission of grantee reports.

Cost reimbursement National Professional Corps grantees submit one financial report per year.

All grantees, including Fixed Amount grantees, must submit the Federal Financial Report (FFR) - Cash Transactions Report on a quarterly basis to the Department of Health and Human Services Payment Management System per the Electronic Funds Transfer Agreement.

3. **Reporting Other Federal Funds.** The grantee shall report the amount and sources of federal funds, other than those provided by CNCS, claimed as matching funds. This includes other federal funds expended by subgrantees and operating sites and claimed as match. This information shall be reported annually on the financial report due October 31<sup>st</sup> or at the time the final financial report is submitted if the final report is due prior to October 31<sup>st</sup>. Fixed Amount grantees are not required to report this information.
4. **Requests for Extensions.** Each grantee must submit required reports by the given dates. Extensions of reporting deadlines will be granted only when 1) the report cannot be furnished in a timely manner for reasons, in the determination of CNCS, legitimately beyond the control of the grantee, and 2) CNCS receives a written request explaining the need for an extension before the due date of the report.

Extensions of deadlines for financial reports may only be granted by the Office of Grants Management, and extensions of deadlines for progress reports may only be granted by the AmeriCorps Program Office.

5. **Final Financial Reports.** A grantee must submit, in lieu of the last semi-annual financial report, a final financial report. This final report is due no later than 90 days after the end of the project period
6. **Final Progress Reports.** A grantee must submit, in addition to the last semi-annual project report, a final project report. This final report is due no later than 90 days after the end of the project period.
7. **Financial Reports for Fixed Amount Grants.** Fixed Amount grantees are not required to submit financial reports to CNCS, including the final financial report.

## **K. GRANT PERIOD AND INCREMENTAL FUNDING**

For the purpose of the grant, a project period is the complete length of time the grantee is proposed to be funded to complete approved activities under the grant. A project period may contain one or more budget periods. A budget period is a specific interval of time for which Federal funds are being provided to fund a grantee's approved activities and budget.

Unless otherwise specified, the grant covers a three-year project period. In approving a multi-year project period, CNCS generally makes an initial award for the first year of operation. Additional funding is contingent upon satisfactory performance, a grantee's demonstrated capacity to manage a grant and comply with grant requirements, and the availability of Congressional appropriations. CNCS reserves the right to adjust the amount of a grant award, or elect not to continue funding for subsequent years. The project period and the budget period are noted on the award document.

## **V. GENERAL PROVISIONS**

### **A. RESPONSIBILITIES UNDER GRANT ADMINISTRATION**

1. **Accountability of the Grantee.** The grantee has full fiscal and programmatic responsibility for managing all aspects of the grant and grant-supported activities, subject to the oversight of CNCS. The grantee is accountable to CNCS for its operation of the AmeriCorps program and the use of CNCS grant funds. The grantee must expend grant funds in a judicious and reasonable manner, and it must record accurately the service activities and outcomes achieved under the grant. Although grantees are encouraged to seek the advice and opinion of CNCS on special problems that may arise, such advice does not diminish the grantee's responsibility for making sound judgments and does not shift the responsibility for operating decisions to CNCS.
2. **Subawards.** A grantee may make subgrants in accordance with the requirements set forth in 45 CFR Part 2541 or 2 CFR Part 215 and 45 CFR Part 2543. The grantee must have and implement a plan for oversight and monitoring to ensure that each subgrantee and service site has agreed to comply, and is complying, with grant requirements. This includes oversight and monitoring to ensure that AmeriCorps members are not engaging in prohibited activities in 45 CFR § 2520.65.

3. **Notice to CNCS.** The grantee will notify the appropriate CNCS Program or Grants Officer immediately of any developments or delays that have a significant impact on funded activities, any significant problems relating to the administrative or financial aspects of the grant, or any suspected misconduct or malfeasance related to the grant or grantee. The grantee will inform the CNCS official about the corrective action taken or contemplated by the grantee and any assistance needed to resolve the situation.

## **B. FINANCIAL MANAGEMENT STANDARDS**

1. **General.** The grantee must maintain financial management systems that include standard accounting practices, sufficient internal controls, a clear audit trail, and written cost allocation procedures, as necessary. Financial management systems must be capable of distinguishing expenditures attributable to this grant from expenditures not attributable to this grant. The systems must be able to identify costs by program year and by budget category, and to differentiate between direct and indirect costs, or administrative costs. For further details about the grantee's financial management responsibilities, refer to OMB Circular A-102 and its implementing regulations (45 CFR Part 2541) or A-110 (2 CFR Part 215) and its implementing regulations (2 CFR Part 205 and 45 CFR Part 2543), as applicable.
2. **Consistency of Treatment.** To be allowable under an award, costs must be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the organization. Furthermore, the costs must be accorded consistent treatment in both federally financed and other activities, as well as between activities, supported by different sources of federal funds.
3. **Audits.** Grantee organizations that expend \$500,000 or more in total federal awards in a fiscal year shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act, as amended, 31 U.S.C. 7501, et seq., and OMB Circular A-133. If the grantee expends federal awards under only one federal program, it may elect to have a program specific audit, if it is otherwise eligible. A grantee that does not expend \$500,000 in Federal awards is exempt from the single audit requirements of OMB Circular A-133 for that year. However, it must continue to conduct financial management reviews of its subgrantees, and records must be available for review and audit.

A recipient of a Federal grant that is a pass-through entity is required, in accordance with paragraph 400(d) of OMB Circular A-133, to do the following with regard to its subrecipients: (1) identify the Federal award and funding source; (2) advise subrecipients of all requirements imposed on them; (3) monitor subrecipient activities and compliance; (4) ensure subrecipients have A-133 audits when required; (5) issue decisions and ensure follow-up on audit findings in a timely manner; (6) where necessary, adjust its own records and financial statements based on audits; and (7) require subrecipients to permit access by the pass-through entity and auditors to records and financial statements, as necessary, for the pass-through entity to comply with A-133.

## **C. THE OFFICE OF INSPECTOR GENERAL**

CNCS's Office of Inspector General (OIG) conducts and supervises independent and objective audits, evaluations, and investigations of CNCS's programs and operations. Based on the results of these audits, reviews, and investigations, the OIG recommends policies to promote economy and efficiency and to prevent and detect fraud, waste, and abuse in CNCS's programs and operations.

The OIG conducts and supervises audits of CNCS grantees, as well as legislatively mandated audits and reviews. The legislatively mandated audits include the annual financial statement audit, and fulfilling the requirements of the Government Information Security Reform Act and its successor, the Federal Information Security Management Act. A risk-based approach, along with input received from CNCS management, is used to select grantees and grants for audit. The OIG hires audit firms to conduct some of its audits. The OIG audit staff is available to discuss its audit function, and can be reached at (202) 606-9390.

The OIG is available to offer assistance to AmeriCorps grantees that become aware of suspected criminal activity in connection with the AmeriCorps program. Grantees should immediately contact the OIG when they first suspect that a criminal violation has occurred. The OIG investigative staff is available to provide guidance and ensure that the appropriate law enforcement agency is notified, if required. The OIG may be reached by email at [hotline@cncsig.gov](mailto:hotline@cncsig.gov) or by telephone at (800) 452-8210.

## **D. REPORTING OF FRAUD, WASTE, AND ABUSE**

Grantees must immediately contact the OIG and their program officer when they first suspect that:

1. a criminal violation has occurred (see 18 U.S.C. Part I for more information on criminal conduct - <http://www.gpo.gov/fdsys/pkg/USCODE-2012-title18/html/USCODE-2012-title18-partI.htm>), such as:
  - a. criminal fraud,
  - b. theft or embezzlement,
  - c. forgery, and
  - d. corruption, bribery, kickbacks, or acceptance of illegal gratuities or extortion.
2. Actual or suspected fraud, waste, or abuse has occurred.
  - a. Fraud involves obtaining something of value through willful misrepresentation.
  - b. Waste involves the taxpayers not receiving reasonable value for money in connection with any government funded activities due to an inappropriate act or omission by players with control over or access to government resources.
  - c. Abuse involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse also includes misuse of

authority or position for personal financial interests or those of an immediate or close family member or business associate.

## **E. WHISTLEBLOWER PROTECTION**

1. This grant and employees working on this grant will be subject to the whistleblower rights and remedies in the pilot program on Contractor employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239).
2. Under this pilot program, an employee of a grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority (an arbitrary and capricious exercise of authority that is inconsistent with the mission of CNCS or the successful performance of a contract or grant of CNCS) relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.
3. The grantee shall inform its employees in writing, in the predominant language of the workforce or organization, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described above and at <http://www.cn csoig.gov/contractor-whistleblower-protection-0#node-1001>.

## **F. PROGRAM INCOME**

1. **General.** Income, including fees for service earned as a direct result of the grant-funded program activities during the award period, must be retained by the grantee and used to finance the grant's non-CNCS share.
2. **Excess Program Income.** Program income earned in excess of the amount needed to finance the grantee share must follow the appropriate requirements of 45 CFR § 2541.250, 45 CFR § 2543.24 or 2 CFR § 215.24, 2 CFR Part 225, 2 CFR Part 215, or 2 CFR Part 220 and be deducted from total claimed costs. Grantees that earn excess income must specify the amount of the excess in the comment box on the financial report.
3. **Fees for Service.** When using assistance under this grant, the grantee may not enter into a contract for or accept fees for service performed by members when:
  - a. The service benefits a for-profit entity,
  - b. The service falls within the other prohibited activities set forth in these grant provisions, or
  - c. The service violates the provisions of 42 U.S.C. § 12637 – Nonduplication and Nondisplacement.

4. **Full-Cost and Professional Corps Fixed Amount Grants.** The grantee must notify its Grants Officer if it earns program income in excess of the amounts needed to cover all expenditures under the grant. The Grants Officer will determine the disposition of the excess program income.

## **G. SAFETY**

The grantee must institute safeguards as necessary and appropriate to ensure the safety of members. Members may not participate in projects that pose undue safety risks.

## **H. NON-DISCRIMINATION PUBLIC NOTICE AND RECORDS COMPLIANCE**

1. **Public Notice of Non-discrimination.** The grantee must notify members, community beneficiaries, applicants, program staff, and the public, including those with impaired vision or hearing, that it operates its program or activity subject to the non-discrimination requirements of the applicable statutes. The notice must summarize the requirements, note the availability of compliance information from the grantee and CNCS, and briefly explain procedures for filing discrimination complaints with CNCS.

Sample language is:

*This program is available to all, without regard to race, color, national origin, disability, age, sex, political affiliation, or, in most instances, religion. It is also unlawful to retaliate against any person who, or organization that, files a complaint about such discrimination. In addition to filing a complaint with local and state agencies that are responsible for resolving discrimination complaints, you may bring a complaint to the attention of the Corporation for National and Community Service. If you believe that you or others have been discriminated against, or if you want more information, contact:*

*(Name, address, phone number – both voice and TTY, and preferably toll free – FAX number and email address of the grantee) or  
Office of Civil Right and Inclusiveness  
Corporation for National and Community Service  
1201 New York Avenue, NW  
Washington, DC 20525  
(800) 833-3722 (TTY and reasonable accommodation line)  
(202) 565-3465 (FAX); eo@cns.gov (email)*

The grantee must include information on civil rights requirements, complaint procedures and the rights of beneficiaries in member service agreements, handbooks, manuals, pamphlets, and post in prominent locations, as appropriate. The grantee must also notify the public in recruitment material and application forms that it operates its program or activity subject to the nondiscrimination requirements. Sample language, in bold print, is: **This program is available to all, without regard to race, color, national origin, disability, age, sex, political affiliation, or, in most instances, religion.** Where a significant portion of the population eligible to be served needs services or information in

a language other than English, the grantee shall take reasonable steps to provide written material of the type ordinarily available to the public in appropriate languages.

2. **Records and Compliance Information.** The grantee must keep records and make available to CNCS timely, complete and accurate compliance information to allow CNCS to determine if the grantee is complying with the civil rights statutes and implementing regulations. Where a grantee extends federal financial assistance to subgrantees, the subgrantees must make available compliance information to the grantee so it can carry out its civil rights obligations.
3. **Obligation to Cooperate.** The grantee must cooperate with CNCS so that CNCS can ensure compliance with the civil rights statutes and implementing regulations. The grantee shall permit access by CNCS during normal business hours to its books, records, accounts, staff, members, facilities, and other sources of information as may be needed to determine compliance.

## **I. GRANT PRODUCTS**

1. **Sharing Grant Products.** To the extent practicable, the grantee agrees to make products produced under the grant available at the cost of reproduction to others in the field.
2. **Acknowledgment of Support.** Publications created by members or grant-funded staff must be consistent with the purposes of the grant. The AmeriCorps logo shall be included on such documents. The grantee is responsible for assuring that the following acknowledgment and disclaimer appears in any external report or publication of material based upon work supported by this grant:

“This material is based upon work supported by the Corporation for National and Community Service (CNCS) under AmeriCorps Grant No. \_\_\_\_\_. Opinions or points of view expressed in this document are those of the authors and do not necessarily reflect the official position of, or a position that is endorsed by, CNCS or the AmeriCorps program.”

## **J. SUSPENSION OR TERMINATION OF GRANT**

Regulations related to CNCS’s authority to suspend or terminate this grant are contained in 45 CFR § 2540.400. In addition, a grantee may suspend or terminate assistance to one of its subgrantees, provided that such action affords the subgrantee, at a minimum, the notice and hearing rights described in 45 CFR § 2540.400.

## **K. FIXED AMOUNT GRANTS**

Fixed Amount grants are not subject to the Federal Cost Principles. For Education Award programs (EAP), the fixed federal assistance amount of the grant is based on the approved and awarded number of full-time (MSYs) members specified in the award. For full-cost and Professional Corps Fixed Amount grants, the fixed federal assistance amount of the grant is

based on the approved and awarded numbers of full-time members and the members' completion of their terms of service.

For EAPs, the final amount of grant funds that the grantee may retain is dependent upon the grantee's notifying CNCS's National Service Trust of the members that it has enrolled. All EAP members must carry out activities to achieve the specific project objectives as approved by CNCS. At closeout, CNCS will calculate the final amount of the grant based on Trust documentation. CNCS will recover any amounts drawn down by the grantee in excess of the final grant amount allowed based on member selection documentation in the My AmeriCorps Portal.

For all other Fixed Amount grants, the grantee may draw funds from the HHS Payment Management System based on the number of members who complete a full term of service or if the member leaves before completing service, a pro-rated amount based on hours served. Full-cost and Professional Corps programs may draw up to 20% of the funds within the first two months to cover start-up costs (recruitment and application, training, criminal history checks, etc.); however, total funds drawn should be based on the number of members on board at the time and the percentage of hours completed. Annually and at closeout, CNCS will calculate the final amount of the grant for the year or entire project period (at closeout) based on the number of successfully completed terms of service (as certified by the program) as well as the hours served that were not certified as successfully completed.

## **L. TRAFFICKING IN PERSONS**

This grant is subject to requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104).

1. Provisions applicable to a recipient that is a private entity.
  - a. You as the grantee and your employees may not:
    - i. Engage in severe forms of trafficking in persons during the period of time that the grant is in effect;
    - ii. Procure a commercial sex act during the period of time that the grant is in effect; or
    - iii. Use forced labor in the performance of the grant.
  - b. We as the federal awarding agency may unilaterally terminate this grant, without penalty, if it,
    - i. Is determined you have violated a prohibition in paragraph (a.) of this grant term; or
    - ii. Has an employee who is determined by the agency official authorized to terminate the grant to have violated a prohibition in paragraph (a.) of this grant term through conduct that is either:
      - (a.) Associated with performance under this grant; or
      - (b.) Imputed to you using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB guidelines to Agencies on Governmentwide Debarment



and Suspension (Non-procurement),” as implemented by our agency at 2 CFR Part 2200.

2. Provisions applicable to a grantee other than a private entity. We as the federal awarding agency may unilaterally terminate this grant, without penalty, if it –
  - a. Is determined to have violated an applicable prohibition of paragraph (1.)(a.) of this grant term; or
  - b. Has an employee who is determined by the agency official authorized to terminate the grant to have violated an applicable prohibition in paragraph (1)(a.)(i.) of this grant term through conduct that is –
    - i. Associated with performance under this grant; or
    - ii. Imputed to you using the standards and due process for imputing conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 2200.
3. Provisions applicable to any grantee.
  - a. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (1.)(a.) of this grant term.
  - b. Our right to terminate unilaterally that is described in paragraph (1.) and (2.) of this section:
    - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
    - ii. Is in addition to all other remedies for noncompliance that are available to us under this grant.
  - c. You must include the requirements of paragraph (1.)(a.) of this grant term in any sub-grant you make to a private entity.
4. Definitions. For purposes of this grant term:
  - a. “Employee” means either:
    - i. An individual employed by you or a subgrantee who is engaged in the performance of the project or program under this grant; or
    - ii. Another person engaged in the performance of the project or program under this grant and not compensated by you including, but not limited to, a volunteer or individual whose service are contributed by a third part as an in-kind contribution toward cost sharing or matching requirements.
  - b. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
  - c. “Private entity”:
    - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR § 175.25.

- ii. Includes:
  - (a.) A nonprofit organization, including any non-profit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR § 175.25(b).
  - (b.) A for-profit organization.
- d. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).

## **M. CENTRAL CONTRACTOR REGISTRATION (CCR) and UNIVERSAL IDENTIFIER REQUIREMENTS**

1. Requirement for Central Contractor Registration (CCR): Unless you are exempted from this requirement under 2 CFR § 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.
2. Requirement for Data Universal Numbering System (DUNS) Numbers. If you are authorized to make subawards under this award, you:
  - a. Must notify potential subrecipients that no entity (see definition in paragraph 3. of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
  - b. May not make a subaward to an entity unless the entity has provided its DUNS number to you.
3. Definitions. For purposes of this award term:
  - a. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <https://www.sam.gov/portal/public/SAM/>).
  - b. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
  - c. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
    - i. A Governmental organization, which is a State, local government, or Indian Tribe;
    - ii. A foreign public entity;
    - iii. A domestic or foreign nonprofit organization;
    - iv. A domestic or foreign for-profit organization; and

- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- d. Subaward:
  - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ----.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
  - iii. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
- e. Subrecipient means an entity that:
  - i. Receives a subaward from you under this award; and
  - ii. Is accountable to you for the use of the Federal funds provided by the subaward.

## **N. TRANSPARENCY ACT REQUIREMENTS (for Grants and Cooperative Agreements of \$25,000 or More)**

### Reporting Subawards and Executive Compensation:

#### 1. Reporting of first-tier subawards.

- a. Applicability. Unless you are exempt as provided in paragraph 4, below, you must report each action that obligates \$25,000 or more in Federal funds for a subaward to an entity (see definitions in paragraph 5. of this award term).
- b. Where and when to report.
  - i. You must report each obligating action described in paragraph 1.a. of this award term to <http://www.fsrs.gov>.
  - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
- c. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

#### 2. Reporting Total Compensation of Recipient Executives.

- a. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if--
  - i. the total Federal funding authorized to date under this award is \$25,000 or more;
  - ii. in the preceding fiscal year, you received--
    - (a.) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR §170.320 (and subawards); and

- (b.) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR §170.320 (and subawards); and
    - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
  - b. Where and when to report. You must report executive total compensation described in paragraph (2.)(a.) of this award term:
    - i. As part of your registration profile at <https://www.sam.gov/portal/public/SAM/>.
    - ii. By the end of the month following the month in which this award is made, and annually thereafter.
3. Reporting of Total Compensation of Subrecipient Executives.
- a. Applicability and what to report. Unless you are exempt as provided in paragraph 4. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if--
    - i. in the subrecipient's preceding fiscal year, the subrecipient received--
      - (a.) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR § 170.320 (and subawards); and
      - (b.) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
    - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
  - b. Where and when to report. You must report subrecipient executive total compensation described in paragraph 3.a. of this award term:
    - i. To the recipient.
    - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
4. Exemptions. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
- a. Subawards, and

- b. The total compensation of the five most highly compensated executives of any subrecipient.
5. Definitions. For purposes of this award term:
- a. Entity means all of the following, as defined in 2 CFR Part 25:
    - i. A Governmental organization, which is a State, local government, or Indian tribe;
    - ii. A foreign public entity;
    - iii. A domestic or foreign nonprofit organization;
    - iv. A domestic or foreign for-profit organization;
    - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
  - b. Executive means officers, managing partners, or any other employees in management positions.
  - c. Subaward:
    - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
    - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ---- .210 of the attachment to OMB Circular A-133, ``Audits of States, Local Governments, and Non-Profit Organizations").
    - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
  - d. Subrecipient means an entity that:
    - i. Receives a subaward from you (the recipient) under this award; and
    - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
  - e. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR § 229.402(c)(2)):
    - i. Salary and bonus.
    - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
    - iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
    - iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
    - v. Above-market earnings on deferred compensation which is not tax-qualified.
    - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

## Grant Program Civil Rights and Non-Harassment Policy

The Corporation for National and Community Service (CNCS) has zero tolerance for the harassment of any individual or group of individuals for any reason. CNCS is committed to treating all persons with dignity and respect. CNCS prohibits all forms of discrimination based upon race, color, national origin, gender, age, religion, sexual orientation, disability, gender identity or expression, political affiliation, marital or parental status, or military service. All programs administered by, or receiving Federal financial assistance from CNCS, must be free from all forms of harassment. Whether in CNCS offices or campuses, in other service-related settings such as training sessions or service sites, or at service-related social events, such harassment is unacceptable. Any such harassment, if found, will result in immediate corrective action, up to and including removal or termination of any CNCS employee or volunteer. Recipients of Federal financial assistance, be they individuals, organizations, programs and/or projects are also subject to this zero tolerance policy. Where a violation is found, and subject to regulatory procedures, appropriate corrective action will be taken, up to and including termination of Federal financial assistance from all Federal sources.

Slurs and other verbal or physical conduct relating to an individual's gender, race, ethnicity, religion, sexual orientation or any other basis constitute harassment when it has the purpose or effect of interfering with service performance or creating an intimidating, hostile, or offensive service environment. Harassment includes, but is not limited to: explicit or implicit demands for sexual favors; pressure for dates; deliberate touching, leaning over, or cornering; offensive teasing, jokes, remarks, or questions; letters, phone calls, or distribution or display of offensive materials; offensive looks or gestures; gender, racial, ethnic, or religious baiting; physical assaults or other threatening behavior; or demeaning, debasing or abusive comments or actions that intimidate.

CNCS does not tolerate harassment by anyone including persons of the same or different races, sexes, religions, or ethnic origins; or from a CNCS employee or supervisor; a project, or site employee or supervisor; a non-employee (e.g., client); a co-worker or service member.

I expect supervisors and managers of CNCS programs and projects, when made aware of alleged harassment by employees, service participants, or other individuals, to immediately take swift and appropriate action. CNCS will not tolerate retaliation against a person who raises harassment concerns in good faith. Any CNCS employee who violates this policy will be subject to discipline, up to and including termination, and any grantee that permits harassment in violation of this policy will be subject to a finding of non-compliance and administrative procedures that may result in termination of Federal financial assistance from CNCS and all other Federal agencies.

Any person who believes that he or she has been discriminated against in violation of civil rights laws, regulations, or this policy, or in retaliation for opposition to discrimination or participation in discrimination complaint proceedings (e.g., as a complainant or witness) in any CNCS program or project, may raise his or her concerns with our Office of Civil Rights and Inclusiveness (OCRI). Discrimination claims not brought to the attention of OCRI within 45 days of their occurrence may not be accepted in a formal complaint of discrimination. No one can be required to use a program, project or sponsor dispute resolution procedure before contacting OCRI. If another procedure is used, it does not affect the 45-day time limit. OCRI may be reached at (202) 606-7503 (voice), (202) 606-3472 (TTY), [eo@cns.gov](mailto:eo@cns.gov), or through [www.nationalservice.gov](http://www.nationalservice.gov).

5/1/2014

Date

  
Wendy Spencer, Chief Executive Officer