

AmeriCorps VISTA Program
2016 GRANT TERMS AND CONDITIONS
Effective January 1, 2016

These Corporation for National & Community Service (CNCS) Grant Terms and Conditions are binding on the recipient. By accepting funds under this award, the recipient agrees to comply with, and include in all awards and subaward, these program-specific Grant Terms and Conditions, the CNCS general grant terms and conditions, 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 recipient is used to connote either grant recipient or subrecipient, as appropriate, throughout these Terms and Conditions.

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A. Living Allowance and Withholdings

- 1. Living Allowance (also referred to as Subsistence Allowance).** The biweekly payments made to AmeriCorps VISTA members and AmeriCorps VISTA Summer Associates to cover housing, food and other personal expenses during their term of service. Living allowances are neither salary, nor wages for work. Living allowances do not correspond with services provided by VISTA members or VISTA Summer Associates and are not intended to serve as payment for services provided by VISTA members and VISTA Summer Associates.

AmeriCorps VISTA Program sponsors must obtain a W-4 Form (Employee's Withholding Allowance Certificate), or a W-4E Form (Exemption from Withholding) from each AmeriCorps VISTA member. By January 31 of the calendar year following the payments, the grant sponsor must provide each member with a W-2 Form (Wage and Tax Statement) that reports the AmeriCorps VISTA member's total earnings, and federal

taxes withheld, for the period during the prior calendar year in which the sponsor provided the member a living allowance. CNCS will provide the members with a W-2 Form for any allowance or stipend earnings made directly by CNCS.

The sponsor will disburse the AmeriCorps VISTA member living allowances in arrears, either biweekly in 26 payments if following the federal VISTA allowance schedule or twice monthly if the sponsor's organizational pay schedule is twice a month or 24 payments in a year. The living allowance provided to AmeriCorps VISTA members shall be at the same rate as the allowance provided to other AmeriCorps VISTA members serving in similar circumstances in the same state. The sponsor shall modify allowances and end-of-service stipends disbursed to AmeriCorps VISTA members to reflect any changes to such allowances, as determined by CNCS.

AmeriCorps VISTA program grant sponsors shall make no deductions from member allowances for workers compensation, health coverage, or other types of fringe benefits. With regard to health coverage, AmeriCorps VISTA members are covered by either a state exchange, the federal exchange, Medicaid, Medicare, or the AmeriCorps VISTA Health Benefits Program. With regard to workers compensation, VISTA members are covered by the Federal Employees Compensation Act (FECA).

AmeriCorps VISTA Program Grant sponsors may not expend funds approved for payment of bi-weekly living allowances, or stipends for any other purpose without the prior written approval of CNCS's Grants Officer.

2. **Life Insurance:** Life insurance premiums must be deducted from each disbursement of the living allowance for members who currently have such coverage, and for new members who elect life insurance coverage. Contact your [CNCS State Office](#) for the current premium amount. The sponsor shall issue one check, payable to Reliance Standard, for the amount of the total premiums deducted each pay period. The sponsor must send the check for each pay period and the list of members covered during the pay period to CNCS - VISTA, Life Insurance Manager, 1201 New York Ave. NW, Washington, D.C. 20525. AmeriCorps VISTA program sponsors must notify their CNCS State Office, in writing, as soon as a member terminates service so that the life insurance coverage of the terminated member under CNCS group policy will cease.
3. **Federal Workers Compensation Coverage.** AmeriCorps VISTA members are considered federal employees for purposes of the Federal Employees Compensation Act (FECA) and are covered by FECA; therefore, no additional payment for workers compensation shall be paid to the state.
4. **Unemployment Benefits.** AmeriCorps VISTA members are not eligible for unemployment benefits or insurance at the completion of service; therefore, no unemployment tax shall be paid to the state.
5. **IRS Tax Status.** AmeriCorps VISTA members are regarded as federal employees only for certain limited purposes under the Internal Revenue Code. Among the limited purposes are federal income tax and FICA (Social Security and Medicare) tax withholding. They are not employees of the grant sponsor. The rules that apply to FICA withholding for other employees of the sponsor do not apply to the AmeriCorps VISTA

members. (FICA should not be withheld from any living allowances and is only withheld from the end-of-service stipend at the time it is paid to the member).

The sponsor will withhold federal income taxes on all taxable member payments and withhold FICA (Social Security and Medicare) from the end-of-service stipend and submit it to the Internal Revenue Service at time of payment.

B. Employer Identification Number (EIN)

Employer Tax Identification or Federal Tax Identification Number: AmeriCorps VISTA members are considered federal employees for purposes of the Internal Revenue Code and the sponsor must withhold certain federal taxes. Because of this relationship, the VISTA grant sponsor should obtain a employer identification number (EIN) for the VISTA project to comply with the Internal Revenue Code. However, it is recommended that the sponsor obtain and use a separate EIN for the VISTA project from the EIN that the sponsor uses for sponsor employees. Using a separate EIN may help to clarify to the Internal Revenue Service and other sources that VISTA members are not considered sponsor employees. Also, because VISTA members are taxed in a somewhat different manner from sponsor employees (for example, neither FICA, nor state and local taxes, are not withheld for the living allowances of VISTA members), separate EINs will ensure that the payroll is administered distinctly and properly for the two groups. Contact the Internal Revenue Service or your tax advisor for more information regarding obtaining multiple EINs for your organization.

C. Grant Period

Unless otherwise specified, the award covers a three year project period. In approving a multiyear project period the Corporation makes an initial award for the first budget period. Additional funding for subsequent budget periods is contingent upon satisfactory progress and the availability of funds. The project period and the budget are noted on the award document.

D. Reporting Requirements

This section applies only to the recipient. The recipient is responsible for timely submission of periodic financial and progress, and member reports during the project period and a final financial report and for setting submission deadlines for its respective subrecipients, if applicable, that ensure the timely submission of recipient reports.

1. **Financial Reports.** The recipient shall complete and submit financial reports in eGrants to report the status of all funds. The recipient must submit timely cumulative financial reports in accordance with CNCS guidelines and sections E and F, above.
2. **Final Financial Report.** A recipient must submit, in lieu of the last semi-annual financial report, a final financial report. These reports are due no later than 90 days after the end of the project period.
3. **Reporting at the Dept. of Health and Human Services/Payment Management System. (HHS/PMS)** All recipients must submit the Federal Financial Report (FFR)

Cash Transactions Report on a quarterly basis to the HHS/PMS per the Electronic Funds Transfer Agreement.

4. **Progress Reports.** The recipient shall complete and submit timely progress reports to include a summary of accomplishments during the reporting period. This includes reporting on the progress to date made by the recipient and subrecipients for that reporting period. The report is submitted through the appropriate electronic system. Individual program guidance determines the due date for the reports.
5. **Member Payments Report.** The sponsor shall submit to the CNCS State Program Office at least monthly, a report of AmeriCorps VISTA member payments disbursed, showing each member by name, and the amount of living allowances and deductions disbursed to AmeriCorps VISTA members. A photocopy of a computer printout or accounting ledger is acceptable proof of payments.
6. **Requests for Extensions.** 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 Field Financial Management Center (FFMC), and extensions of deadlines for progress reports may only be granted by the Program Office.

7. **Other.** The recipient shall meet as necessary with the CNCS Program Office or with other staff or consultants designated by the CNCS Program Official to exchange views, ideas, and information concerning the project. The recipient shall submit such special reports as may be reasonably requested by CNCS.

E. Federal Financial Reports (FFRs)

CNCS Semi-Annual SF-425 Federal Financial Report. Sponsors complete a semi-annual Federal Financial Report (FFR), twice yearly in six month increments from the budget start date of the grant to report federal expenditures of funding.

CNCS Final Federal Financial Report. Sponsors completing the final year of their grants must submit, in lieu of the last semi-annual FFR, a final FFR. The final FFR is cumulative over the performance period of the grant within 90 days after the close of the grant. Final FFRs must report expenditure of funds on a cumulative basis over the budget period of the grant, and must be submitted through the CNCS eGrants system.

F. Federal Financial Reporting/Disbursements

U.S. Department of Health and Human Services Payment Management System SF-425 Federal Financial Report (Federal Cash Transaction Report or FFR). CNCS issues VISTA Program grant funds to sponsors through the U.S. Department of Health and Human Service (HHS) Payment System. Sponsors receiving grant funds through this system must submit a Federal Financial Report (FFR) to report AmeriCorps VISTA CNCS federal

funding disbursements and cash on hand, 30 days after each calendar quarter beginning with the first calendar quarter that contains the start date of the grant. FFRs must report disbursement of funds on a cumulative basis over the performance period of the grant and be submitted through the HHS Payment Management System on the following schedule:

Period Covering:	Report Due No Later Than:
January 1 to March 31	April 30
April 1 to June 30	July 30
July 1 to September 31	November 30
October 1 to December 31	January 30

G. Project Progress Report

The sponsor shall complete and submit Project Progress Reports via CNCS' eGrants system to the CNCS State Program Office. The Project Progress Reports shall report on the progress toward achievement of project performance targets. Refer to the Project Progress Report instructions for current due dates.

H. Recognition of Federal Funding

When issuing statements, press releases, requests for proposals, bid solicitations, annual reports and other documents describing projects or programs funded in whole or in part with CNCS money, the grantee receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program which will be financed with CNCS money, and (2) the dollar amount of CNCS funds for the project or program.

I. Program/Project Manager Authority

The Program/Project Manager for this award is listed on the face page of the Notice of Grant Award. The Program/Project Manager has full authority to represent CNCS in connection with management of the technical and programmatic performance of the award. They are not authorized to change the terms and conditions, estimated costs, or period of performance, or to give approvals, written or verbal, specifically reserved for the Grant Officer.

J. Prohibition on Use of Program Grant Funds

While charging time to this AmeriCorps VISTA Program Grant award, or otherwise performing activities supported by the AmeriCorps VISTA program or CNCS, neither the sponsor nor anyone acting under the supervision or authority of the sponsor, may engage in the following activities:

1. Attempting to influence legislation.
2. Organizing or engaging in protests, petitions, boycotts, or strikes.
3. Assisting, promoting, or deterring union organizing.
4. Impairing existing contracts for services or collective bargaining agreements.

5. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive.
6. Engaging in partisan political activities or other activities designed to influence the outcome of an election to any public office.
7. 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.
8. Providing a direct benefit to:
 - a. A for-profit entity;
 - b. A labor union;
 - c. A partisan political organization;
 - d. An organization engaged in the religious activities described in the preceding sub-clause 8., unless CNCS assistance is not used to support those religious activities; and
 - e. A nonprofit entity 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 Terms and Conditions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.
9. Providing abortion services or referrals for receipt of such services.
10. Grant funds may not be used for international travel or projects where the primary beneficiaries of an activity are outside the United States.
11. Such other activities as CNCS may prohibit.

Individuals may exercise their rights as private citizens and may participate in the above activities on their own initiative, on non-CNCS time, and using non-CNCS funds. Individuals should not wear the AmeriCorps VISTA or AmeriCorps logos while doing so.

K. External and Data Collection

The grantee must cooperate with the Corporation and its evaluators in all monitoring and evaluation efforts. As part of this effort, the grantee must collect and submit certain project data, as defined in the AmeriCorps VISTA Progress Report Supplement and must provide data as requested or needed to support external evaluations.

L. 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 2 CFR § 200.307(e)(1) and be deducted from total claimed costs, or with prior written approval from CNCS, the requirements of 2 CFR § 200.307(e)(2) through a budget amendment be used to enhance the program (additive process). Recipients 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 participants when:
 - a. The service benefits a for-profit entity;
 - b. The service falls within the other prohibited activities set forth in statute, regulation, or these award terms and conditions.

M. Budget and Programmatic Changes

1. **Programmatic Changes.** The grantee must obtain the prior written approval of CNCS before making the following changes:
 - a. Changes in the scope, objectives or goals of the project, transfer of the project effort, or project timeline whether or not they involve budgetary changes.
 - b. Entering into subawards or contracts for activities funded by the award, but not identified or included in the approved application and grant budget.
2. **Budgetary Changes.** The grantee must obtain the prior written approval of CNCS's Field Financial Management Center (FFMC) before deviating from the approved budget in any of the following ways:
 - a. Specific Costs Requiring Prior Approval Before Incurrence under 2 CFR § 200.407. Examples of costs requiring prior written approval before they are allowed include 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 \$50,000 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 recipient shares. Recipients may transfer funds among approved direct cost categories when the cumulative amount of such transfers does not exceed 10 percent of the total budget.
3. **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. Programmatic changes also require final approval of CNCS's Field Financial Management Center (FFMC) after written recommendation for approval is received from the Program Office. The Grants Officers will execute written amendments, and Recipients should not assume approvals have been granted unless documentation from the Grants Office has been received.

N. LOBBY DISCLOSURE

For grant awards exceeding \$100,000, pursuant to 31 U.S.C. 1352, the Grantee is required to file a disclosure report, Standard Form LLL, Disclosure of Lobbying Activities, at the end of any quarter, when the Grantee has paid or agreed to pay any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. The report must be submitted to the Corporation State Program Director.

ATTACHMENTS

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, or through www.nationalservice.gov.

5/1/2014

Date


Wendy Spencer, Chief Executive Officer