

AmeriCorps State and National Policies and Policy FAQs
Effective October 1, 2008

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Disclaimer

This website does not supersede any of the requirements established by the Corporation’s regulations; the terms, conditions, and provisions of an AmeriCorps grant or contract; or the standard federal requirements applicable to all federal grants. It is intended as a resource to help state commissions, state programs, national parent organizations, and national sites establish and maintain sound operations in compliance with federal and state statutes, regulations, provisions, and policies.

Where to Find Information Resources

The AmeriCorps statute, the National Community Service Act, the AmeriCorps regulations, and the AmeriCorps State and National grant provisions are available in keyword searchable format here:

http://www.americorps.gov/for_organizations/manage/index.asp.

In the coming months, relevant federal-wide regulations on grant matters and OMB circulars will also appear on the “Manage Current Grants and Contracts” web page in the *AmeriCorps State and National Update* Newsletter, and posted on the Communications Center. You can subscribe to the Communications Center and receive an e-mail message informing you of new material posted there. If you have questions about these Policies and Policy FAQs, please address them to PolicyQuestions@cns.gov or call (202) 606-6930.

Numbering System

The Policies and Policy FAQs are each given an outline number (A. 1. for example, and a FAQ number. The FAQs numbers are arranged by year, month, and date, so FAQ Number 041018 was generated on October 18, 2004. If the number has ASN preceding it, it is a cleared policy which is also posted on the Corporation’s Intranet site and numbered according to the same convention with the addition of the Department code per the Corporation’s Policy 100.

If the FAQ number consists of four numbers and then PU or ASNU, it initially appeared in a newsletter, and the numbers represent the year and the month that the newsletter appeared.

There are also some FAQs marked “Question of the Week” series that were prepared by the Corporation’s Office of General Counsel for AmeriCorps State and National staff.

Some FAQs are Grant Provisions which have been moved to this space in preparation for the transition to Grant Terms and Conditions. These are labeled as former Provisions by year and Provision number, for example 07 Prov. IV. A.

FAQs derived from the 2002-2003 Program Director’s Handbook are labeled “2002-2003 PD Handbook.”

For the purposes of these FAQs, “AmeriCorps” refers to AmeriCorps State and National grantees only. The term grantee is used to connote either grantee or subgrantee, as appropriate, throughout these FAQs.

Definitions

AmeriCorps National Service Network

FAQ Number: 07 Prov. IV. A. 1

What is the definition of the AmeriCorps National Service Network?

The AmeriCorps National Service Network means AmeriCorps State, AmeriCorps National, AmeriCorps Tribes and Territories, Volunteers in Service to America (VISTA), and National Civilian Community Corps (NCCC) programs taken together as programs dedicated to national service. VISTA is authorized under the Domestic Volunteer Service Act (42 U.S.C. 4950 *et seq.*). NCCC is authorized under the National and Community Service Act (42 U.S.C. 12611 *et seq.*).

Terms of service

FAQ Number: 07 Prov. IV. E. 1

What is the definition of the various terms of service?

Each Program must, at the start of the term of service, establish the guidelines and definitions for the successful completion of the program year, ensuring that these program requirements meet the Corporation’s service hour requirements as defined below:

Full-time members. Members must serve at least 1700 hours during a period of not less than nine months and not more than one year.

Half-time members. Half-time members must serve at least 900 hours during a period of one or two years as indicated in the approved budget.

Reduced half-time members. Reduced half-time members must serve at least 675 hours over a time not to exceed one year.

Quarter-time members. Quarter-time members must serve at least 450 hours over a time not to exceed one year.

Minimum-time members. Minimum time members must serve at least 300 hours over a time not to exceed one year.

A. Organizational Eligibility and Application

A. 1. Request for a copy of an AmeriCorps grant application

FAQ Number: 041018

How do I request a copy of an AmeriCorps grant application?

The easiest way to obtain a copy of an AmeriCorps grant application is to contact the grantee directly. To request an approved application, you may make a FOIA (Freedom of Information Act) request. This approach will take more time than contacting the grantee or the program officer. The Corporation's FOIA procedures and information are on the Corporation website at www.nationalservice.gov/home/foia/guidance.asp.

A. 2. Eligibility of a 501(c)(6) organization to serve as an AmeriCorps grantee

FAQ Number: 060517

May a 501(c)(6) organization receive an AmeriCorps State or National grant?

Although a 501(c)(6) organization is eligible for a grant, the purpose of many 501(c)(6) organizations is lobbying, and lobbying is a prohibited activity according to federal regulations. Unless the 501(c)(6) has a different purpose, or has internal controls that will separate functions, an audit could result in disallowed costs.

A. 3. Eligibility of a 501(c)(4) organization to receive an AmeriCorps grant

FAQ Number: 020329

Is a 501(c)(4) organization eligible to apply for and receive an AmeriCorps grant?

As long as the 501(c)(4) organization does not engage in lobbying activities (as defined under the Lobbying Disclosure Act of 1995), it may apply for and is eligible to receive federal grant funds. If it does engage in lobbying activities, it is ineligible to receive federal funds.

A. 4. Awarding AmeriCorps funds to organizations with 501(c)(3) status pending

FAQ Number: 020128

Must an organization have 501(c)(3) status to be granted funds by the Corporation? May an organization receive AmeriCorps funds even though its application for 501(c)(3) status has not been approved? And, is there a one-year waiting period after approval of 501(c)(3) status before an award can be made?

The Corporation does not require 501(c)(3) approval as long as your organization is recognized as a nonprofit organization by your state. Hence, the status of any federal application for 501(c)(3) status is immaterial, and there is no one-year waiting period.

A. 5. Members serving at a for-profit entity

FAQ Number: 020329

May a for-profit entity apply for an AmeriCorps grant, or serve as a service site?

A for-profit entity is not eligible to apply for an AmeriCorps grant. Neither may an AmeriCorps member provide a direct benefit to a for-profit entity. If the grantee can establish that the AmeriCorps member will actually be providing a direct benefit to

someone other than the for-profit entity—for example, to the community, children, or parents—and that the for-profit entity is only a secondary beneficiary of the service, then service at a for-profit site may be allowable. The grantee must also ensure that the members do not displace employees.

A. 6. Use of federal funds to meet AmeriCorps matching requirements

FAQ Number: 990826

Are federal funds allowed to be used as match?

With certain caveats, grantee operating an AmeriCorps subtitle C program may use federal funds to meet its matching requirement.

There are several caveats. First, the fact that legislation permits the use of non-Corporation federal funds as match is not, by itself, determinative. There must be independent authority for a grantee to use other federal funds in connection with a national service program. For example, if a grantee proposes to use Department of Education Title I funds as match, we refer the grantee to the Department of Education for guidance on whether such use is permissible under the Title I program.

Second, the national service legislation does not prohibit a grantee from using other federal funds in place of the Corporation's share, subject to the first caveat. For example, we would not prohibit a grantee from using other federal funds to pay the living allowance. Third, we do not permit a grantee to use the same funds as match for two federal grants. See [45 CFR § 2541.240\(b\)\(3\)](#), [45 CFR § 2543.23\(a\)\(2\)](#).

A. 7. Matching Requirements: Exception for Donated Professional Service.

FAQ Number: 07 Prov.V. I.

May a grantee use direct community service as match?

Because the purpose of this grant is to enable and stimulate volunteer community service, the grantee may not include the value of direct community service performed by volunteers as match. However, the grantee may include the value of volunteer services contributed to the organization for organizational functions such as accounting, audit work, legal work or training as match.

A. 8. Matching CNCS funds with CNCS funds

FAQ Number: 071106

May I use CNCS funds to match another grant from CNCS?

No. For example, you may not use a Learn and Serve America grant as match for AmeriCorps State or National funds.

A. 9. Meeting match requirements including matching levels above the minimum requirements

FAQ Number: 020412

What happens when a sub-grantee does not meet anticipated match?

The Corporation's general policy is that grantees must provide and account for the matching funds as agreed upon in the Notice of Grant Award (NGA) and the approved budget. Many programs provide more than the minimum match required by the law. The Corporation encourages this additional voluntary match and the budget reflects all

anticipated match. However, it is not always possible to meet the full level of this anticipated additional voluntary match.

When a change occurs in projected or actual levels of this additional voluntary match, the Corporation does not require a grantee to amend its budget or obtain Corporation approval for a reduction in budgeted grantee or sub-grantee match, if the reduction does not create changes in budget line items above the amounts allowed in the grant provisions. Instead, because the Financial Status Reports (FSRs) report on actual expenditures and actual match obtained, the reduction is reported on the FSR.

Final FSRs must include a combined total of required match and additional voluntary match for the entire project period. In addition, at closeout grantees have the option to accept a level of match below the anticipated additional match as long as the minimum required match is met. Please note that this does not apply to the statutory minimum required match. Programs must meet the statutory minimum required match. In addition, grantees with subgrantees may hold their subgrantees to budgeted match.

In many cases, the additional voluntary match is necessary to operate the program as planned. This occurs most often when programs anticipate providing more than the minimum match for the AmeriCorps member living allowance. If a grantee is not able to match at the level called for in the grant award, the Corporation will not increase the amount of its award to cover those program costs anticipated to be covered by the additional match and the grantee may need to request approval from the Corporation for a budget amendment.

For example, an AmeriCorps program expected match to provide 40% of the member living allowance and only requested 60% of the cost of living allowances from the Corporation. Later, one of the donors was not able to follow through and the program was only able to raise a 30% match. The Corporation will not increase the amount of the grant to cover the shortfall in additional voluntary match. In this case, the reduction in voluntary match changes the scope of the program and results in line item changes in the budget that exceed the maximums allowed in the grant provisions. The grantee would have to submit a request for a budget amendment and a program amendment to the Corporation.

A. 10. Making grants to federal agencies

FAQ Number: 061113

Can the Corporation make grants to other Federal agencies?

No. Annual appropriations language prohibits the Corporation from making AmeriCorps grants under Subtitle C of Title I of the NCSA to federal agencies.

A.11 AmeriCorps eligibility and asylee and refugee status.

FAQ Number: 080919

Is an individual granted asylee or refugee status eligible to serve in AmeriCorps?

No. In order to be eligible to serve as an AmeriCorps member, individuals must have citizenship or lawful permanent resident status with the appropriate documentation.

B. Recruiting and Selecting Members

B. 1. Recruitment of Family Members as AmeriCorps Members

FAQ Number: 010227

May an AmeriCorps program director recruit family members to become AmeriCorps members?

There is nothing in the Corporation's statute, regulations, or provisions relating to the recruitment of family members. However, there may be state laws that cover this issue. If a state commission wants to disallow the recruitment of family members, it may impose requirements that are more stringent than ours. Commissions should consult local counsel or the State Attorney General for more information.

B. 2. Charging an Application Fee

FAQ Number: 0610PU

May I charge an application fee to cover the administrative overhead of recruiting?

Charging an application fee to a prospective member to apply to serve as an AmeriCorps member is not allowed. Programs may charge application fees to prospective members who are applying to their educational institution or participating in their academic program if such fees are required of all applicants, but not for applying to serve as an AmeriCorps member. This policy is in alignment with federal policy on student aid.

B. 3. Documentation of member eligibility

FAQ Number: 020822

What are the requirements for a person to be eligible to serve as an AmeriCorps member?

The National and Community Service Act and our regulations establish eligibility requirements for AmeriCorps members. See 42 U.S.C. § 12591; [45 CFR § 2522.200](#).

B. 4. How does a grantee obtain approval for an alternative form of documentation of citizenship status?

FAQ Number: 020822

The Corporation's regulations at [45 CFR 2522.200](#) (c) and (d) include a list of documents that programs may consider to determine citizenship, lawful permanent resident alien, or national status. If a member wishes to use a document that is not on the list, the grantee must seek written approval from the Corporation to do so. The Office of Grants Management is responsible for determining grants compliance questions, including member eligibility issues.

B. 5. Eligibility documentation

FAQ Number: 020822

What are the eligibility requirements for membership in AmeriCorps?

The specifics and detail for each requirement are described in the Corporation's regulations, [45 CFR §2522.200](#).

How does a grantee determine and document age eligibility for membership in AmeriCorps?

The Corporation does not require programs to make and retain copies of the actual documents used to confirm age eligibility as long as the program has a consistent practice of identifying the documents that were reviewed and maintaining a record of the review.

Programs are required to keep a certification form signed by a program official that describes the original documentation reviewed. A consistent practice for documenting eligibility should:

- identify the specific original document reviewed;
- identify the eligibility criterion or criteria that the document confirms;
- include any identification number for the document reviewed; and
- include the signature of the reviewer confirming the review and the date of the review.

Birth certificates, driver's licenses and passports are examples of documents that confirm a member is old enough to serve. In some cases, the same document, such as a birth certificate issued by one of the states, can be used to confirm both age and citizenship.

How does a grantee determine and document citizenship eligibility for membership in AmeriCorps?

To confirm citizenship status, applicants must produce the original of one of the forms of primary documentation listed in the regulations. If an applicant cannot, the grantee may use secondary documentation, but must get prior approval from the Corporation's Office of Grants Management before doing so. Please note that the Form I-9, used to document eligibility for employment, is not sufficient to document citizenship. See also FAQ #061114.

How does a grantee determine and document educational attainment eligibility for membership in AmeriCorps?

Programs may accept a self-certification from the potential member as proof of high school graduation. Applicants do not have to produce a high school diploma or an equivalency certificate nor are programs required to retain a copy of the high school diploma or other documents confirming education level, such as an official transcript. However, a self-certification must include the person's signature, under penalty of law, specifically certifying that he or she has completed high school or its equivalent or will obtain a high school diploma prior to using the education award.

B. 6. Summer service by a 16-year-old still enrolled in high school

FAQ Number: 060329

May a 16-year old serve with a summer AmeriCorps program between his junior and senior years in high school?

No. The National and Community Service Act requires that an AmeriCorps member be 17 years old when the term of service begins. The statute provides an exception for 16 year-olds, if the 16-year old is an out-of-school youth and serving in an AmeriCorps youth corps program. An out-of-school youth is a youth who has dropped out of high school. The definition does not include someone on summer break who is still enrolled in high school.

Reference: 42 U.S.C. 12591; 42 U.S.C. 12511(16); [45 CFR. § 2510.20](#); [45 CFR. § 2522.200\(a\)](#)

B. 7. Reporting juvenile offenses on the AmeriCorps member application

FAQ Number: 040202

If an applicant for a position as an AmeriCorps member was adjudicated or held responsible as a juvenile offender of a criminal offense under a state law, but the state expunged the juvenile's record so that it was as if it never happened, can the applicant mark "No" on an application which asks if the applicant has ever been adjudicated or held responsible as a juvenile offender of any criminal offense by a civilian court or by authorities?

If under state law, the expungement of the record means that it's as if the offense never happened, and the applicant could under state law answer "No" then the applicant may answer "No" on the AmeriCorps application.

B. 8. Expired passports

FAQ Number: 070724

Is it allowable to use an expired passport as one of the eligibility documents checked in member's files?

Yes. Consistent with policy adopted by the Department of Homeland Security, Office of Citizenship and Immigration Services, a U.S. passport establishing citizenship status may be expired or unexpired.

B. 9. Ability of a program to select or enroll only members with disabilities

FAQ Number: 051207

Can an AmeriCorps program choose only to enroll as members individuals with disabilities?

This is not a viable program design, as it would entail asking questions in the member selection process to determine whether or not applicants have a disability. Such questions are not permitted.

Programs are allowed to ask all applicants what, if any, experience they have had serving or working with those with disabilities, and/or what, if any, training or experience they have in identifying and planning for the needs of the disabled or elderly. Even if the program uses these kinds of questions, they may find equally or better-qualified applicants who don't necessarily have or disclose a disability. A program may also focus their recruiting on organizations that serve those with disabilities, state that the program will be working with a specific population, and show persons with disabilities in their outreach materials.

Reference: 2003 Disability Inclusion Handbook

B. 10. Notifying other programs of an applicant's false application

FAQ Number: 051207

If an applicant for an AmeriCorps position lies on the application and the program does not select him or her on that basis, what can the program do to notify other programs about this applicant?

No formal mechanism exists for a program to inform other programs about this potential applicant. If the program believes the applicant committed fraud, the program may refer the matter to the Corporation's Office of Inspector General by calling the IG Hotline (800) 452-8210 or e-mailing hotline@cncsoig.gov.

B. 11. How to determine whether an individual is incapable of obtaining a high school diploma or its equivalent

FAQ Number: 011128

For individuals who cannot meet the educational attainment requirements for AmeriCorps service, the AmeriCorps grant provisions state that in order for such an individual to serve as an AmeriCorps member, he or she must be "determined through an independent assessment conducted by the Program to be incapable of obtaining a high school diploma or its equivalent." How is this independent assessment conducted? It is up to the sub-grantee of a state commission or the National Direct parent organization to identify the independent expert who will make the assessment. The expert(s) conducting the assessment must have legitimate expertise to make a reliable and independent determination of why an individual cannot get a high school diploma or a GED. Examples of such individuals include education specialists, psychologist, doctors, etc. The expert's independent assessment must identify a valid reason(s)—such as a learning disability, etc.—that explains why the individual cannot obtain a high school diploma or GED.

B. 12. Individual must satisfy citizenship requirements at time of enrollment

FAQ Number: 020118

Must an individual be a U.S. citizen, U.S. national, or lawful permanent resident alien at the time of enrollment in order to be eligible to participate in AmeriCorps?

Yes, an individual must be a U.S. citizen, U.S. national, or lawful permanent resident alien at the time of enrollment in order to become an AmeriCorps member. It is not sufficient that the individual's application for citizenship status is pending before the INS at the time of enrollment.

B. 14. Hospital versus state birth documentation

FAQ Number : 070327

Does a hospital birth certificate suffice for acceptable eligibility documentation or does it have to be a state vital records birth certificate?

When the regulations refer to a birth certificate they refer to a legal document certified by and registered with a State's office of vital statistics (often through local vital statistic branches). Although this official document that states the child's name, place of birth, parents' names, and so forth is often filled in at the hospital, it should not be confused with documents distributed by some hospitals that have no legal significance.

B. 14. Documentation of member eligibility for homeschooled applicants

FAQ Number: 021002

How can an AmeriCorps program document that an applicant satisfies the member eligibility requirements related to educational attainment if the applicant has been homeschooled?

The AmeriCorps regulations ([45 CFR § 2522.200](#)) state that self-certification of high school diploma or its equivalent is sufficient. The program need not require any further documentation as long as the member certifies under penalty of law that he or she has a high school diploma or its equivalent, or agrees to obtain their high school diploma before using the education award.

B. 15. Use of AmeriCorps grant funds to pay for copies of birth certificates for potential members

FAQ Number: 060303

May an AmeriCorps grantee use AmeriCorps grant funds to pay for copies of birth certificates for potential members?

Because the documentation requirements to be an AmeriCorps member arise from the program requirements, the cost is allocable. If the program design includes assisting potential members from low-income areas to become AmeriCorps members, then the cost would be necessary, reasonable, and allowable for a program with this design.

B. 16. FAQs on Criminal Background Checks

FAQ Number: 070824

These FAQs can be found here:

http://www.nationalservice.gov/pdf/07_0824_criminal_history_faqs.pdf.

C. Supervising Members

C. 1. Member Classification

FAQ Number: 07 Prov. IV. C. 5

Are AmeriCorps members employees?

AmeriCorps members are not employees of the AmeriCorps program or of the federal government. The definition of “participant” in the National and Community Service Act of 1990 as amended applies to AmeriCorps members. As such, “a participant (member) shall not be considered to be an employee of the Program in which the participant (member) is enrolled” (42 U.S.C. 12511(17) (B)). Moreover, members are not allowed to perform an employee’s duties or otherwise displace employees.

For the limited purposes of the Family and Medical Leave Act of 1993, the member may be considered an eligible employee of the project sponsor. The Family and Medical Leave Act’s requirements as they apply to AmeriCorps Programs are contained in 45 CFR 2540.220(b).

C. 2. Orientation

FAQ Number: 07 Prov. IV. D. 3.

Must a grantee conduct a member orientation, and if so what should be included?

The grantee must conduct an orientation for members and comply with any pre-service orientation or training required by the Corporation. This orientation should be designed to enhance member security and sensitivity to the community. Orientation should cover member rights and responsibilities, including the Program’s code of conduct, prohibited activities (including those specified in the regulations), requirements under the Drug-Free

Workplace Act (41 U.S.C. 701 *et seq.*), suspension and termination from service, grievance procedures, sexual harassment, other non-discrimination issues, and other topics as necessary.

C. 3. Voting

FAQ Number: 07 Prov. IV. D. 7

Should the grantee encourage members to register and vote?

The grantee should encourage all eligible members to register and vote. However, the grantee is prohibited from requiring members to register or to vote, and from attempting to influence how members vote. Members who are unable to vote before or after service hours should be allowed to do so during their service time without incurring any penalties. The site director should determine the length of absence.

C. 4. Jury Duty

FAQ Number: 07 Prov. IV. D. 8.

Can AmeriCorps members serve on jury duty?

The grantee must allow AmeriCorps members to serve on a jury without being penalized for doing so. During the time AmeriCorps members serve as jurors, they should continue to receive credit for their normal service hours, a living allowance, health care coverage and, if applicable, child care coverage regardless of any reimbursements for incidental expenses received from the court.

C. 5. Completion of terms

FAQ Number: 07 Prov. IV. D. 1

What must a program do to enable members to complete their terms of service?

A program should make every effort to enroll members so that each member has a reasonable expectation of completing his/her term of service by the end of the program's project period. 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 a member may receive a prorated education award if the member has completed at least 15% of the service hour requirement. Serving less than 15% of a full term of service does not count as a term of service.

C. 6. Electronic storage of member files

FAQ Number: 0611PU2

What is the policy on electronic storage of member files?

ASN 06-005 Policy on Electronic Storage of Members Files, effective 11/13/06

Typically, programs store member eligibility documentation, timesheets, and other relevant documents in paper files which become cumbersome to maintain and store. Sections 1703 and 1705 of the Government Paperwork Elimination Act states that electronic records are not to be denied legal effect, validity, or enforceability merely because they are in electronic form.

This policy allows AmeriCorps State and National grantees the option of storing member files in electronic formats, when practicable. It also provides minimum standards that such systems must meet.

Minimum Standard for Electronic Document Storage:

A program may store member files electronically if the program can ensure that the validity and integrity of the record is not compromised. The Corporation will recognize electronically stored files where:

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

Sufficient prevention of unauthorized alterations or erasures of records;

Effective security measures to ensure that only authorized persons have access to records;

Adequate measures designed to prevent physical damage to records;

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:

Storage of the records in a physically accessible location;

Clear and accurate labeling of all records; and

Storage of the records in a usable, readable format.

NOTE: All current grant provisions regarding paper records, including access restrictions, security, privacy, and retention, also apply to electronic records.

C. 7. Electronic timekeeping systems

FAQ Number: 0611PU2

May I use an electronic timekeeping system as my system of record?

ASN 06-006 Policy to Allow Electronic Timekeeping Systems as System of Record, effective 11/13/06

Background: The Government Paperwork Elimination Act of 1998 (GPEA) states that electronic records and related electronic signatures are not to be denied legal effect, validity, or enforceability merely because they are in electronic form. (Pub. L. 105-277, Title XVII).

Policy: This policy allows AmeriCorps State and National grantees to use electronic timekeeping systems as the system of record. It also provides minimum standards that such systems must meet.

Minimum Standard for Electronic Timekeeping Systems:

Electronic timekeeping systems are allowed as the system of record when three conditions are met:

1. You have an established written policy establishing the use of electronic timekeeping system as your system of record; and,
2. You have a secure, verifiable electronic signature system that (a) identifies and authenticates a particular person as the source of the electronic signature; and (b) indicates such person's approval of the information contained in the electronic message.
3. Once appropriate electronic signatures have been applied, no changes may be made unless there is a clear, auditable record of the revision.

All current grant provisions regarding timekeeping records, including access restrictions, security, privacy, and retention, also apply to records maintained in an electronic timekeeping system.

The use of regular e-mail to communicate approval is not a secure, verifiable electronic signature system.

C. 8. Time and attendance reporting policy

FAQ Number: 0707PU4

What are the requirements for timekeeping now that WBRS will be retired?

As of July 23, 2007, the Corporation no longer requires AmeriCorps State and National grantees and subgrantees to enter weekly, bi-weekly or monthly member timesheets in WBRS. The My AmeriCorps portal, which will serve as the entry point for the new system of record, will require AmeriCorps State and National grantees and subgrantees to enter total hours served at exit for each member. You will continue to be responsible for keeping weekly, bi-weekly, or monthly time and attendance records in the paper-based or electronic format of your choice.

You may continue to use WBRS to record member hours until September 30, 2008. You must continue to enroll and exit members in WBRS until those functionalities are operational in the My AmeriCorps portal. You will be notified well in advance of that occurrence.

C. 9. What are the requirements for time and attendance reporting for Professional Corps?

FAQ Number: ASN 07-003 Policy on Special Condition for Timekeeping for Professional Corps Programs, effective 7/16/07

What is the purpose of the new policy?

The purpose of this policy is to reduce the administrative burden for certain Professional Corps programs and members. This policy recognizes that the timekeeping systems used by some Professional Corps organizations and operating sites would satisfy the time and activity standards required of grantees under OMB cost principles, thereby obviating the need for additional time sheets.

What is the new policy?

A Professional Corps operating site will not be required to maintain the member timesheets that are required of AmeriCorps grantees, if the Corporation approves the Professional Corps use of an alternative professional timekeeping system that is consistent with the requirements under the applicable OMB cost principles.

A Professional Corps legal applicant has the option, at the start of each grant cycle, to request a special condition that will release the program from maintaining separate weekly timesheets for their Professional Corps AmeriCorps members. This does not release them from accounting for time and attendance through the normal process in place at the service site for other professionals.

In order to qualify, the legal applicant must demonstrate and document that its members will meet the minimum number of hours required to earn the appropriate education award by fulfilling the normal duties of the profession, or by a combination of normal duties and other professional opportunities sponsored by the program. The legal applicant must also describe how its service sites will account for time and attendance, and how they will certify total hours served at the completion of each member's term. The procedures must include certification by both the member and the member's supervisor.

The Professional Corps program must submit its request for this special condition to the designated Corporation program officer. If recommended by the deputy director of AmeriCorps, the Office of Grants Management will determine if the Professional Corps request adequately documents that the program design and the planned professional activities will result in sufficient hours to earn the appropriate education award, and describes the method of certification. Upon approval, the Office of Grants Management will add the special condition to the grant award.

If the request for this special condition is approved, the Professional Corps program will require that its members follow the time and attendance practices as approved in the request. At the end of each member's term of service, the program must certify that the member has completed all professional obligations and has served at least the minimum required number of hours to earn the appropriate education award.

Professional Corps grantees that do not apply for the special condition, or that apply and are not approved, will be required to meet the timekeeping requirements in the grant provisions applicable to grantees that do not qualify for the special condition.

C. 10. Living allowance for members who start late or exit early

FAQ Number: 0611PU2

We pay our living allowances on a monthly basis. How should we handle situations in which members come on board late in the month or exit early in the month at the end of their term?

You should establish a written policy that is reasonable. For example, if a member comes on board within the first two weeks of the month, you might set policy that gives them the entire living allowance. If they start service later than that, you could prorate the amount based on the number of days in the month they will serve. The same would hold true for the end of service. If they leave within the first two weeks of the month, their living allowance is based on the number of days in the month they served. If they serve over the 2-week cut-off, they would get the full living allowance. You can establish different cut-off points as long as they are reasonable, documented in policy, and followed consistently.

C. 11. Requirements for payment of living allowance when no corporation funds are used

FAQ Number: 010220

If a grantee uses funds other than the Corporation's to pay the living allowance, is the grantee still required to follow the Corporation's regulations and provisions regarding living allowances?

Yes. If the living allowance is part of the grant, the fact that the living allowance is paid out of Corporation funds or match does not change the grantee's duty to abide by the regulations and provisions regarding living allowances.

May a grantee use funds from another federal agency to pay for member living allowances?

Yes, if the other agency has statutory authority to do so.

C. 12. Living allowance FAQs

FAQ Number: 061106

What factors should be considered in deciding how the living allowance will be disbursed?

The way you distribute the living allowance should be based on the program design described in the grant application and approved by the Corporation in the grant award. Then, the member contract should stipulate that members receive a living allowance paid every [frequency such as every 2 weeks, 1 week] over a specified term of service AND members serve a specific term of service. If you stipulate the expected term of service and amount and frequency of the payment and not the total living allowance, you are being clear about expectations. Members make a commitment for a specified term and receive help with living expenses during the term.

The program design measure is important. Often you will find that you can legally make a living allowance payment under a particular scenario, but the program design simply doesn't support the payment and therefore it's not appropriate. For example, if a program created multiple member contract terms of service (e.g., 9, 11 and 12 months) simply to have paperwork that would "legally" support widely varying terms of service, but in fact the program design described in the application is a year round 12-month term of service, the first test would fail and the question on appropriateness would be answered with "no."

The basic concept is to have all members serving similar terms of service and receive the same stipend payment. Generally the rule is that the maximum living allowance offered by a program is divided by the length of the service term so the payments are spread out evenly throughout the term of service. Therefore, the payment for someone serving a 10-month term of service could be higher than someone serving a 12-month term of service. As a result, a site could have 2 or more members with different contracts and therefore different payments.

However, any one program should not have different terms of service unless it is in the program design and tied to different member service activities. For example, a tutoring program may have members serve 10 months during the school year, but the program design may call for a specific number of members to serve longer to provide tutoring to a smaller number of children during the summer break or maybe begin earlier to prepare tutoring materials. In that case, the program design clearly has two different terms of service and members have somewhat different service goals. They would receive different amounts because the living allowance would be distributed over different terms.

C. 13. Using a debit card for living allowance

FAQ Number: 061006

Can a program use a debit card to pay a members living allowance?

The Corporation has two priorities regarding member payment: (1) that the programs are following their own accounting policies and procedures and (2) that the members have access to their funds with the ease of a regular checking account to meet their financial obligations. The Corporation does not prohibit or oppose program use of debit cards for member payment.

C.14. Federal Work Study

FAQ Number: 07 Prov. IV. I. 9

Can members Federal Work Study students enroll as AmeriCorps members?

Upon approval by the Corporation's Program Office, grantees may enroll Federal Work Study students as AmeriCorps members. Only individuals who enroll in an AmeriCorps position in a program that has been approved by the Corporation are eligible to receive AmeriCorps member benefits. Except as required by Federal Work Study regulations, AmeriCorps members may not be paid on an hourly basis. The Corporation does not consider a wage under the Federal Work Study program to be a living allowance for purposes of the National and Community Service Act. The grantee is not required to report such wages in the AmeriCorps grant.

C. 15. Compensation of work-study students and AmeriCorps members serving in the same program

FAQ Number: 981222

A program includes work-study students who are compensated at different rates for their work-study hours. Is it permissible to provide different living allowance amounts to members within the same program?

To ensure equitable treatment of members, the Corporation discourages grantees from providing different living allowance amounts to AmeriCorps members serving in the same program. However, a uniform living allowance amount for each and every member in a program is not absolutely required. Grantees should discuss the specifics of their proposed member support framework with their program and grants officers at the Corporation.

The enrollment of work-study students as AmeriCorps members raises other issues as well. The U.S. Department of Labor has ruled that an individual whose only relationship to a program is as an AmeriCorps member is not considered an employee under federal wage and hour laws. However, work-study students are classified as employees. Grantees need to be aware that the use of work-study students as AmeriCorps members therefore involves compliance issues under federal wage and hour laws.

C. 16. Treatment of AmeriCorps living allowance under state pension plan requirements

FAQ Number: 020819

Does Federal law exclude AmeriCorps living allowance payments from state pension plan contribution requirements?

The Corporation's position is that mandatory contributions from the living allowance to a retirement system conflicts with the Federal statutory requirement that AmeriCorps members receive a specific living allowance amount. The national service laws specify how much an AmeriCorps member is entitled to receive as a living allowance when serving in AmeriCorps. The laws also specify what must and what may be deducted from the living allowance. State pension plan contributions are not among the deductions that may be made from the living allowance. The member's living allowance is a federal benefit, as opposed to a wage. Consequently, deductions from the living allowance prior to the member receiving it are not permitted. In addition, a member is not considered to be an employee of the program in which the member is enrolled, and thus generally not subject to employment laws, unless specifically authorized by statute. 42 U.S.C. § 12511(17)(B).

In short, while there is no specific exemption in the national service laws for state pension plan contributions, the statute's failure to specify that such contributions may or must be made from the living allowance means that the living allowance is not available for that purpose.

C. 17. Withholding living allowance for failure to submit timesheets

FAQ Number: 05 – 1 Question of the Week Series

May a program temporarily withhold a member's living allowance if the member has failed to submit his or her time sheets for two or more weeks?

A program may temporarily withhold a member's living allowance if the member has failed to submit timesheets. The member contract must clearly state the policy, and the withholding must be temporary, and not result in the program docking the member's living allowance.

Reference: 2007 AmeriCorps grant provisions IV. H.

C. 18. Garnishing living allowance to pay child support or other debt

FAQ Number: 051207

To what extent may a program allow an AmeriCorps member's living allowance to be garnished to pay for child support or other debt?

The Federal share of a member's living allowance is not subject to garnishment.

Sovereign immunity protects the property interests of the United States from suits to which it has not consented. The Federal government has a continuing property interest in AmeriCorps grant funds until they are expended in accordance with the grant's terms.

With respect to the living allowance, the Corporation has a property interest in the Federal share of the member's living allowance, until the AmeriCorps member actually receives it, and this property interest is protected by sovereign immunity. Only Congress may waive this immunity.

Whether or not the non-Federal portion of the living allowance—i.e. the funds provided as match at the program level—is subject to garnishment is a state law issue. Because the Corporation is not a party to this action, and because it involves application of state law, programs should consult their own local counsel.

Reference: 42 U.S.C. § 12594

C. 19. Living allowance requirements for full-time members in Education Award Programs (EAPs)

FAQ Number: 051207

Section 2522.240(b) of the Corporation's regulations state that any individual who participates full-time in an AmeriCorps subtitle C program, including in a program that receives "education awards only," must receive a living allowance. Does this mean full-time EAP programs must provide a living allowance?

No. The Corporation's annual appropriation contains statutory language that overrides the regulations. The regulation applied when the EAP program was funded under subtitle H and, thus, subject to different rules than subtitle C programs. When Congress directed the Corporation to fund the EAP program out of subtitle C, it included language in the appropriation to continue exempting the EAP program from living allowance and match requirements.

Reference: [45 CFR § 2522.240](#); P.L. 110-5, Division B, Revised Continuing Appropriations Resolution 2007 (January 4, 1007).

C. 20. Living allowance and EAPs

FAQ Number: 070209

If an EAP chooses to pay a living allowance, are they held to the statutory minimum and maximum?

The minimum does not apply. Congress explicitly exempted EAPs from living allowance requirements in appropriations language. Therefore if EAPs are exempted from paying a living allowance at all, the "minimum" that they have to provide is \$0. However, EAPs that do provide living allowances (other than Professional Corps) are required to comply with the maximum.

C. 21. Living allowance for Professional Corps over the maximum

FAQ Number: 060606

May a Professional Corps provide a living allowance to its members in excess of the statutory maximum living allowance for most AmeriCorps programs?

The NCSA provides an exception to the maximum living allowance for certain professional corps programs. Under the NCSA, a professional corps program is one that recruits and places qualified participants in positions "as teachers, nurses, and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;" and "that are sponsored by public or private nonprofit employers who agree to pay 100 percent of the salaries and benefits of the participants."

Professional corps programs that meet this definition may provide a living allowance (or salary) in excess of the maximum statutory living allowance.

Reference: 42 U.S.C. §§ 12572(a)(8) and 12594(c); [45 CFR § 2522.240\(b\)\(2\)](#).

C. 22. Unemployment Insurance
FAQ Number: 07 Prov. IV I. 2.d

Is the grantee required to provide unemployment insurance?

The U.S. Department of Labor ruled on April 20, 1995 that federal unemployment compensation law does not require coverage for members because no employer-employee relationship exists. The grantee may not charge the cost of unemployment insurance taxes to the grant unless mandated by state law. Programs are responsible for determining the requirements of state law by consulting their State Commission, legal counsel or the applicable state agency. AmeriCorps National and AmeriCorps Tribes and Territories grantees must coordinate with their State Commissions to determine a consistent state treatment of unemployment insurance requirements.

C. 23 Minor Disciplinary Actions.

FAQ Number: 07 Prov. IV. H.

What are allowable minor disciplinary actions?

The grantee may temporarily suspend or impose a fine on a member for minor disciplinary reasons, such as chronic tardiness, as outlined in the conditions of the member contract.

1. Temporary Suspension of Service. The period of suspension does not count toward a member's required service hours. Further, members who are suspended for minor disciplinary reasons may not receive a living allowance for the suspension period.
2. Fines. If determined to be necessary for improvements in member performance or attendance, the grantee may impose a reasonable fine on members for minor disciplinary problems consistent with the member contract. The fines may not be calculated on an hourly basis. For example, a member who is an hour late may not be fined an hour's worth of living allowance. Instead, the grantee shall establish a written policy on fines, which is not linked to an hourly rate.

The grantee may deduct fines from that portion of the member's living allowance that is paid by non-Federal funds. Before making any deductions, the grantee should consider how this might affect the status of members under employment laws, including minimum wage and unemployment compensation. Further, a grantee that deducts in this fashion may be required to provide additional matching funds.

C. 24. Criminal Charges

FAQ Number: 07 Prov. IV. C. 7.

What happens when an AmeriCorps member is charged with a crime?

An AmeriCorps member who is officially charged with a violent felony, or with the sale or distribution of a controlled substance during a term of service will have his/her service suspended without a living allowance and without receiving credit for hours missed. The member may be reinstated into AmeriCorps service if he/she is found not guilty or if the charge is dismissed. If an AmeriCorps member who has been cleared of such charges is unable to complete his/her term of service within one year, he/she may accept a pro-rated

education award as long as he/she has completed at least 15% (255 hours full-time/135 hours less than full-time) of his/her service.

An AmeriCorps member who is convicted of a criminal charge as described above must be terminated for cause from the program, and he/she is not eligible for any portion of an education award.

C. 25. Zero hours in a pay period

FAQ Number: 070809

How should a program handle a situation when a member serves no hours during a pay period?

Situations in which a member serves zero hours during a pay period should be very rare and the member should be suspended if there are periods in which no service is performed. Otherwise, since the living allowance is to be distributed evenly over the service period, it should be paid regardless of the number of hours. However, a member's contract could also stipulate conditions under which the living allowance is paid and what the member should do if a period occurs in which no hours are served. The contract could also stipulate the minimum number of hours required during each service period.

C. 26. Allowing a member to extend their contract

FAQ Number: 070809

If a member's full-time job demands more time than initially envisioned, not allowing the member to serve AmeriCorps hours within the time frame set forth in the contract, can we allow the member to continue to serve after the dates in the contract in order for the member to successfully complete service and receive the education award?

Yes, you may amend the contract and allow the member to complete his or her term, provided the extension does not exceed the term limits, e.g. one year for full-time and two years for half-time.

C. 27. AmeriCorps members and internships

FAQ Number: 070817

May an AmeriCorps member use AmeriCorps service to satisfy an internship requirement for college?

There is no rule to prohibit this type of arrangement. In fact, the regulations describe, as one type of program eligible for AmeriCorps funds, "campus-based programs" that "provide substantial service in a community during a school term and during summer or other vacation periods." [45 CFR 2522.100\(e\)](#). While this type of arrangement is not precluded, programs should consult with their AmeriCorps program officer on a case-by-case basis to ensure that the member is still meeting an unmet need.

C. 28. Release for cause

FAQ Number: 07 Prov IV. G.

Is a member who is released for cause eligible to serve a second term?

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. In addition to the regulations, the following apply:

As stated in the AmeriCorps regulations, any individual released for cause who thereafter applies to serve in any AmeriCorps program must disclose the fact that he/she was released for cause to the Program to which the individual is applying. Failure to disclose that the individual was released for cause from another AmeriCorps Program will make the individual ineligible to receive the AmeriCorps education award.

C. 29. Treatment during the grievance process

FAQ Number: 990111

What options does a program have when involved in a grievance following the termination of a member? Can the member receive an education award?

If a program determines through the grievance process that the member should have received an education award, then certainly it would be appropriate to allow the member to receive one as part of a settlement. However, if the Corporation determines that the program awarded the education award contrary to Corporation requirements, the program may have to cover the cost of that award itself.

C. 30. Paying for the grievance process

FAQ Number: 990111

What happens if a program cannot afford the costs of going through the grievance process? If the program has access to non-federal funds to settle the grievance, may the program use them to do so?

The program should contact its state commission or National Direct parent organization for assistance. Programs are expected to be able to implement the grievance procedure within the administrative funding of the grant. If extraordinary expenses are incurred, involving outside expertise, authority to re-budget to pay such expenses should be sought from the Corporation Grants office, which will review any exceptional legal or other expenses related to carrying out a full grievance process and a settlement.

C. 31. Use of grievance process by a rejected AmeriCorps member applicant

FAQ Number: 990111

May an individual who applies to be an AmeriCorps member but who is not selected file a grievance through a grantee's grievance process?

Yes, an individual who applies to be an AmeriCorps members but who is not selected may file a grievance.

C. 32. Reimbursement if dismissal reversed

FAQ Number: 070213

May a program reimburse a dismissed member for living allowance and time missed if the member's dismissal is not upheld?

Yes, if this is in the context of a resolved grievance. The costs associated with settling a grievance may be allowable if reasonably necessary for the program to carry out the purposes of the grant. Things like missed hours and living allowance due under a resolved grievance are generally considered "reasonably necessary" because living allowances are already approved, allowable costs.

C. 33. Members' performing non-religious service activities in a religious facility

FAQ Number: 990111

Can members perform service that involves renovating facilities housed entirely within a building used for religious purposes if those facilities are used for non-religious functions as well (e.g. shelters, soup kitchens, etc.)?

The key issue here is whether there is a realistic risk that an objective observer would conclude, based on all the facts, that the federal government, through its support of AmeriCorps members, is endorsing religion. While AmeriCorps members may not construct, renovate, maintain, or operate any facility primarily or inherently devoted to religious instruction or worship, it may—depending on the specific facts—be permissible for them to renovate facilities used solely for non-religious purposes and available to anyone in the community, even if the facilities are physically housed within a building used for religious purposes. Because each situation turns on its specific facts, however, any programs facing this type of question should consult their program officer to obtain guidance.

C. 34. Allowability of prayer sessions during AmeriCorps time

FAQ Number: 010125

May an AmeriCorps program hold prayer sessions after its AmeriCorps meetings if the members all agree to it?

Members may not earn service hours while engaged in a prayer session. If the program does hold prayer sessions, they must be very clearly optional and planned in a way so that those who do not wish to participate do not feel compelled to do so. The grantee or program must be able to articulate how they comply with Corporation regulations on prohibited activities related to religious activities.

C. 35. Member crossing the picket line if strike occurs at service location

FAQ Number: 05 – 1 Question of the Week Series

If a member is serving at a location where employees go on strike, may the member cross the picket line and continue to serve there?

The AmeriCorps regulations at [45 CFR § 2520.65](#) prohibit a member from organizing or engaging in strikes; assisting, promoting or deterring union organizing; or impairing existing collective bargaining agreements. They do not address the issue of whether a member may cross the picket line during a strike. The program must make the decision, on the basis of all the facts, while ensuring (1) that the member is not engaging in any prohibited activities, and (2) the member's safety. If the program decides against having the member continue his or her planned service activities, the program should work with Corporation program and grants staff to amend its program objectives and performance measures, as necessary.

C. 36. Ability of AmeriCorps member to work outside of service assignment

FAQ Number: 050211

May an AmeriCorps member perform paid work for the grantee or at the member's service site outside of the member's service assignment?

The Corporation has a long-standing practice of advising against an AmeriCorps participant being simultaneously employed by the organization with which the participant

is serving. AmeriCorps members are, by definition, not employees of the organizations with which they serve. To allow a member, even in the member's free time, to perform paid work begins to chip away at the wall between "employment" and "service." The program would be presented with a challenge in distinguishing between time that the individual is a participant, and time that the individual is an employee. Although it may be possible to structure a relationship in which an individual, during non-AmeriCorps service hours, performs paid work for the same organization, in which the individual's duties as a participant are entirely distinct from the individual's duties as an employee, the Corporation's general stance is that the risk for confusion is insurmountable.

C. 37. Receiving AmeriCorps service hours for time spent studying for the GED

FAQ Number: 060727

May an AmeriCorps member receive service hour credit for time spent studying for the GED?

Members may earn service hours for time spent studying for their GED as part of their education and training hours if the program has an approved objective to assist members in preparing for or receiving their GED. If the program does have such an objective, some members who spend time preparing for their GED may serve more education and training hours than others. The program must comply with the "80/20 rule" such that, in the aggregate, members do not serve more than 20% of the program's total service hours in education and training ([45 CFR 2520.50](#)).

C. 38. Accounting for member hours during travel

FAQ Number: 990111

How should members account for travel time to statewide events or training events? Programs must exercise their judgment when allowing time spent traveling as service hours. In most instances, time spent traveling to training or special events is not direct service and cannot be counted as such. Ordinary commuting time is not allowable as a general rule. However, when training or special events require out-of-town or other exceptional travel beyond ordinary commuting, it is reasonable for each program to determine what amount of travel time can be charged to non-direct service hour activities or training. To the degree that out-of-town activities are planned in advance, the program should lay out its expectations in the member contract.

C. 39. Ability of a program to require its members to reimburse the cost of a conference if the member cancels

FAQ Number: 990111

Can a program have its members sign an agreement with the program that the member will reimburse the program for costs of attending a conference if the member chooses not to attend without a good reason?

This is a disciplinary question that programs need to address on a case-by-case basis. What is important to consider is the need to establish disciplinary policies that can be implemented in an objective, consistent, fair, and equitable way that will result in the desired outcome (i.e., improved behavior and performance by members). For the suggestion above, the criteria as to what constitutes a "good reason" would have to be well defined and supportable.

C.40. Liability insurance for members serving out of state

FAQ Number: 070416

What potential liability issues need to be taken into consideration for members who plan to travel out of state for disaster relief activities during their term of service?

If the program has worker's compensation, the program would need to ensure coverage would extend to accidents that occur out of state. If the program does not have worker's compensation, they need to be sure the accidental death and dismemberment insurance policy will cover any accidents that occur out of state. The program should also ensure that its liability coverage extends to the out-of-state activities.

C. 41. Pregnancy or childbirth as a compelling personal circumstance

FAQ Number: 030325

Can pregnancy or childbirth be considered a compelling personal circumstance for which the member can be released from service with a pro-rated education award?

Pregnancy and/or childbirth could be determined by the grantee to be compelling personal circumstances if they prevent the member from completing a term of service. The member might also qualify under the Family Medical Leave Act, if the member is covered, or the program could suspend the member so that the member can return some time in the future (within 2 years) to complete the term of service.

C. 42. Pregnancy as grounds to release a member for cause

FAQ Number: 041207

May a program stipulate in its member contract that a member may be released for cause if she becomes pregnant?

No. This would be an instance of discrimination on the basis of gender in violation of the Corporation's anti-discrimination policy (See www.americorps.org/for_organizations/funding/eo_requirements.asp). It may also be a violation of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq:). A pregnant person would be entitled to the same treatment as someone with a medical condition that might require time away from the term of service.

C. 43. Determining compelling personal circumstances when member leaves service for a job

FAQ Number: [45 CFR § 2522.230](#)

Under what circumstances may a program determine that compelling personal circumstances exist when a member leaves service to start a job?

In general, a job is not considered a compelling personal circumstance. If a member decides to leave to take a job, the member would be exited for cause and would not be eligible for the education award.

The regulations and provisions contain a narrow exception to this general rule. Compelling personal circumstances may include leaving a program to obtain employment IF the member is moving from welfare to work, or is enrolled in a program "that includes in its approved objectives the promotion of employment among its members." If a member is a welfare recipient and is able to obtain a job that will get him or her off

welfare, the program may deem his or her early departure from a program as compelling personal circumstances.

Similarly, if a program has an approved objective of promoting employment among its members, the program could consider a member's early departure from the program to take a job as compelling personal circumstances. Without such an approved objective in the grant award, a member leaving to take a job must be released for cause. In all cases, it is the program's responsibility to make the determination and to document the decision.

C. 44. Definition of welfare-to-work for purposes of determining compelling personal circumstances

FAQ Number: 991025

When a member who is a TANF recipient ends his or her term of service due to employment is this considered compelling personal circumstance?

The AmeriCorps education award regulations direct programs to approve a pro-rated education award to an individual who ends a term of service to pursue an employment opportunity only if the individual is a welfare recipient. An individual who leaves AmeriCorps service for employment must be a recipient of Temporary Assistance to Needy Families (TANF) to qualify for a pro-rated education award based on compelling personal circumstances. TANF is the successor program to AFDC. All states now have their own requirements regarding how long a recipient can receive TANF benefits before going to work.

C. 45. Members in the US Military Reserves

FAQ Number: 07 Prov. IV. D. 8

How should we handle time off for members serving in the Armed Forces Reserves?

Generally, the Reserves of the U.S. Army, U.S. Navy, U.S. Air Force, U.S. Marine Corps, U.S. Coast Guard, the Army National Guard, and the Air National Guard require reservists to serve one weekend a month plus 12 to 15 days a year (hereafter referred to as the two-week active duty service). To the extent possible, grantees should seek to minimize the disruption in members' AmeriCorps service as a result of discharging responsibilities related to their reservist duties. If members have a choice of when to fulfill their annual two-week active duty requirement, they should do so when it will not disrupt their AmeriCorps service. In instances where the dates of active duty are inflexible and conflict with AmeriCorps service, members should be granted a leave of absence for the two-week period of active duty service in the Reserves.

Members may not receive time-off for additional Reserves-related service beyond the two-week active duty service. No AmeriCorps service credit is earned for the once-a-month weekend service in the Reserves. Grantees should credit members for AmeriCorps service hours during their two weeks of active duty service in the Reserves if it occurs during their AmeriCorps service. The member would receive credit for the number of hours he or she would have served during that period had there been no interruption. For example, if a full-time member is signed up to serve 30 hours of AmeriCorps service one week and 40 hours of AmeriCorps service on the following week, she or he would

receive 70 hours of AmeriCorps service credit for the two weeks of active duty service regardless of the actual number of hours served in the Reserves.

Reservists in the U.S. Armed Forces receive compensation for their mandatory two weeks of active duty service. The compensation regulations governing the Army and Air National Guard may vary by state.

Grantees should continue to pay the living allowance and provide health care and childcare coverage for the two-week period of active duty.

C. 46. AmeriCorps members called to active duty in the armed forces

FAQ Number: 990503

What is the AmeriCorps policy for members who serve in the armed forces reserves and are called to active duty during their AmeriCorps service?

In the event that an AmeriCorps member who serves in the reserves is activated, the Corporation for National and Community Service provides the following guidance to programs and affected members:

1. During the standard reserve two-week active duty service each year, an AmeriCorps member may receive up to two weeks credit for the number of AmeriCorps service hours he or she would have served if no interruption had occurred. During those two weeks, the AmeriCorps program should continue to distribute the living allowance and maintain coverage of health care and childcare.
2. If activated for indefinite military service, and if the AmeriCorps member has not received credit for the required two-week active duty service during the member's current AmeriCorps term, then the AmeriCorps member should receive service hour credit, and health care and childcare coverage for the first two weeks of the active duty period.
3. Upon receiving the full two-week service hour credit and health care and childcare coverage, the AmeriCorps member may choose to suspend his/her term of service with the understanding that, depending on the length of the activation, a vacant AmeriCorps slot at the same (or a similar) program may not be available.
4. Generally, the Corporation will ensure that the slot for the member on suspension will remain unencumbered during the period of leave, and is not refilled, or expired for a period of two additional years after the period of extenuating circumstances ends, for a maximum total suspension of up to four years. This policy will apply to any period of suspension that is a result of a member leaving the program for military service that began on March 20, 2003, or later. The Corporation will consider extension of the suspension period for more than four years on a case by case basis.

The Corporation further defines "extenuating circumstances" to include other circumstances outside the member's control. The Corporation will consider requests for extension to the suspension period caused by circumstances other than military service on a case-by-case basis.

Such extenuating circumstances are very limited. Members may not be allowed an extended suspension period if they are removed from AmeriCorps service for circumstances related to transfer from a project, proposed termination, termination for cause, removal from a project, or suspension.

The program may choose to release the AmeriCorps member for personal compelling circumstances and receive a pro-rated education award, provided he/she has completed at least 15% of his/her term of service.

AmeriCorps programs encountering a major disruption in AmeriCorps service as a result of a military activation, may submit a request for additional AmeriCorps member positions and education awards to the Corporation. These requests will be considered based on program needs and available funds and/or education awards.

For additional guidance, please contact the appropriate state commission or Corporation program officer.

C. 47. Treatment of members who have served less than 15% of required service hours
FAQ Number: 060302

If a member leaves a program before serving at least 15% of the required service hours, is this member included in determining the program's retention rate? May the program use Corporation grant funds to support such a member?

Yes to both questions. The member is included in determining the program's retention rate, and the program may use Corporation grant funds to cover the costs of the member even though he or she left prior to serving 15% of the required service hours.

C. 48. Number of education awards and terms served
FAQ Number: 2002-2003 PD Handbook

Restrictions on the number of education awards and terms of service

Is there a limit on the number of AmeriCorps education awards an individual may earn?

Yes. Under no circumstances will an individual be eligible to receive more than two education awards.

What is the maximum number of terms an individual may serve in AmeriCorps?

Serving a Second Term

An individual may serve a second term, but the program is under no obligation to enroll someone for a second term. To be eligible for a second term, a member must have performed satisfactorily in his or her first term of service. Please note that one full-time and one part-time term of service count as two terms. This includes a reduced part-time program such as a 300-hour summer part-time term, an incomplete term, or an EAP term.

Serving More Than Two Terms

The national service laws and Corporation policies impose certain restrictions within the various programs on the number of terms an individual may serve within that program. The following table outlines the limitations on the number of terms one may serve within the different programs (also called "streams of service").

Stream of Service Program	Maximum Number of Terms within the Stream of Service
AmeriCorps State/National	2
AmeriCorps NCCC	2
AmeriCorps VISTA	3

The Corporation has determined that individuals may, nonetheless, serve up to three terms of service across the different streams of service as long as the caps on the number of terms of service within each program are maintained. In no event may an individual serve more than a total of three terms in any combination of AmeriCorps programs. A term of service includes full-time, part-time, and reduced part-time service, as well as an uncompleted term (e.g. if a Member leaves a program part-way through the term).

The following table shows the different permutations possible for individuals interested in serving more than one term. While other combinations totaling three terms may also be permissible (including service in AmeriCorps Education Award programs, for example), under no circumstances will an individual be eligible to receive more than two education awards.

If you have completed one term in....	and you have completed a second term in	Then you can serve a third term in.....
VISTA	VISTA →	VISTA AmeriCorps State or National Direct NCCC
	AmeriCorps State or National Direct →	VISTA AmeriCorps State or National Direct NCCC
	NCCC →	VISTA AmeriCorps State or National Direct NCCC
AmeriCorps State or National Direct	VISTA →	VISTA AmeriCorps State or National Direct NCCC
	AmeriCorps State or National Direct →	VISTA NCCC
	NCCC →	VISTA AmeriCorps State or National Direct NCCC
NCCC	AmeriCorps State or National Direct →	VISTA AmeriCorps State or National Direct NCCC
	NCCC →	VISTA AmeriCorps State or National Direct
	VISTA →	VISTA AmeriCorps State or National Direct NCCC

An AmeriCorps State or National program may use federal funds to pay for the benefits of a member's third term of service (living allowance, health insurance, etc.) as long as the member has not already served two terms in a subtitle C-funded AmeriCorps State

and National program. For example, if a member's first two terms were as a VISTA member, the program may use federal funds to pay for the benefits of the third term.

The NCCC is funded under a different subtitle (E), which is why the Corporation allows members to serve two NCCC terms followed by a State and National (subtitle C) term, or 2 subtitle C terms followed by an NCCC or VISTA term.

C. 49. Serving a third term

FAQ Number: 070731

If an AmeriCorps project wanted to recruit an AmeriCorps member for a third year could they pay the living allowance out of grantee funds and count that as a cash match for the member costs? Some projects have members who might want to come back for more years to serve and the project would like to use their experience to help lead the AmeriCorps members but not in the role as a coordinator or director but as someone who does direct service. Would that be allowable?

This is not allowable if the member's previous two terms of service were served in AmeriCorps State or National. We restrict terms of service within State and National to two terms. The fact that the individual is supported by non-Corporation funds would not affect this answer. Whether the member support costs are paid for out of federal funds or match does not change the fact that the individual in question would be considered an AmeriCorps member. If the individual wants to continue serving with, he or she may return as a volunteer, staff, or in some capacity other than as an AmeriCorps member.

C. 50. Serving a third term as an AmeriCorps TCCC member

FAQ Number: 030310

May an individual who has served two prior terms in AmeriCorps programs funded under subtitle C (e.g., State and National grants programs) serve a third term as an AmeriCorps TCCC member?

No. The NCSA prohibits the use of Federal funds to support a third term of service in an AmeriCorps State or National program. Because the TCCC programs are funded through subtitle C funds, an individual may not serve a third AmeriCorps term as a TCCC member if his or her two previous terms were also in subtitle C funded programs.

These individuals could serve as volunteers with the TCCC program, but the program may not use any Corporation or other federal funds to provide a living allowance or other AmeriCorps benefits to these individuals.

C. 51. Including prior VISTA service term in three terms of service limit

FAQ Number: 051207

If an individual served in the VISTA program prior to the creation of AmeriCorps and the National Service Trust, does his or her VISTA term count towards the 3-term limit?

Yes. All VISTA terms served, whether before or after the creation of AmeriCorps, count towards the 3-term limit.

Reference: Corporation Policy Concerning Terms of Service, May 1996; AmeriCorps VISTA Handbook; VISTA Policy No. 01-04; VISTA Terms, Condition, and Benefits

C. 52. Applying two-term restriction on federally subsidized member benefits

FAQ Number: 990722

May an individual who served briefly (less than 15%) of a first term and completed a second term receive member benefits in a third term, with all three terms in subtitle C programs?

Yes. The Corporation has determined that an individual who leaves a term before completing 15% of the full term (for reasons other than misconduct) will not have that term count towards the two terms for which an education award is provided. See [45 CFR 2526.50](#). A member who leaves very early in the term of service will generally have an opportunity to serve (and receive member benefits) for two additional terms of service.

C. 53. Serving concurrent and consecutive terms

FAQ Number: PU-0610

May a less-than-full-time member serve a concurrent term in a different program during the same program year?

Yes, a less-than-full-time member may serve a concurrent term in a different program during the same program year.

May a less-than-full-time member serve a consecutive term in a same or different program during the same program year?

Yes, a less-than-full-time member may serve a consecutive term in the same or a different program during the same program year. If you are considering allowing this, please contact your Program Officer.

C. 54 Member Transfer Procedure

FAQ Number: 2002-2003 PD Handbook

When and how can a member transfer between programs?

A state commission or National parent organization may grant permission to transfer a member to another AmeriCorps State or AmeriCorps National program for compelling personal circumstances. The following procedures are required:

1. Program A must first determine that compelling personal circumstances warrant a transfer.
2. Prior to initiating a transfer, Program A must provide written confirmation to Program B that valid compelling circumstances support the transfer to Program B.
3. The member must apply to and be accepted by Program B, which must have an available slot in the incoming class (this means the program is able to provide an entire term of member support costs and an education award).
4. The member must be able to finish their term of service within twelve months of their original start date.
5. Program B must approve the transfer in writing.
6. No funds can be transferred from Program A to Program B.
7. If Program A has already conducted the mid-term evaluation, they will provide it t

- to Program B. If Program A has not yet conducted the mid-term evaluation, Program B will conduct the mid-term evaluation with consultation with Program A.
7. The transferred member can not be counted twice for purposes of enrollment and/or retention.
 8. The slot that remains with Program A will revert to new, unfilled status regardless of the length of time the member served.

Generally, members may not transfer across different streams of service. For example, a member may not transfer from an AmeriCorps State or AmeriCorps National program to an AmeriCorps VISTA position or to AmeriCorps NCCC.

Programs with multiple sites may transfer members to other sites for program management purposes without following the procedures listed above.

C. 55 Residential Programs

FAQ Number: 080208d

What is the impact on the living allowance for residential programs, or programs that provide housing?

Residential programs, or programs that otherwise provide housing, should ensure that the living allowance that they are providing, in addition to the value of the housing, does not equal more than the maximum living allowance.

C. 56. On-call hours

FAQ Number: PU-0610

What is the guidance regarding members serving on-call hours?

The Corporation is not issuing formal policy on this issue, and suggests that grantees and state commissions check to see if their state has policy in this respect. If your state does not have policy, the Corporation suggests that you establish your own policy. Common policy practice includes provisions that members receive service hours only when on call on-site.

C. 57. Volunteer Protection Act

FAQ Number: 060920

Are AmeriCorps members covered under the Volunteer Protection Act of 1997?

The federal Volunteer Protection Act of 1997 generally protects volunteers from civil liability. However, the definition of volunteer excludes anyone who receives compensation (other than reimbursement for expenses) or anything of value in lieu of compensation in excess of \$500 per year. AmeriCorps members who receive a living allowance or education award are therefore not protected under the law.

C. 58. Supplemental Security Income (SSI) rules affecting AmeriCorps members

FAQ Number: 010314

How do Supplementary Security Income (SSI) rules affect AmeriCorps members?

SSI recipients who serve in AmeriCorps State/National and National Civilian Community Corps automatically qualify for the Student Child Earned Income Exclusion if they meet applicable age and marital status requirements.

SSI recipients who are (1) under the age of 22 and (2) neither married nor the head of a household are eligible for the student earned income exclusion, which excludes from countable earned income \$1,290 per month and up to \$5,200 per year (amounts as of January 1, 2001). This exclusion may be combined with existing SSI work incentives and other income disregard rules, which should encourage more young people with disabilities to participate in AmeriCorps State/National and NCCC.

Note that the Student Child Earned Income Exclusion policy change does not affect AmeriCorps VISTA members, whose benefits are already fully excluded from income under section 404 of the Domestic Volunteer Service Act.

Any portion of an education award used by an SSI recipient to pay for tuition, fees, and other necessary education expenses (not including room and board, or repaying student loans) will not count as income. Any portion of the education award that is not used for tuition, fees, or other necessary educational expenses counts as income in the month that it is used. For general questions about SSI or the terms used in this answer, go to <http://www.ssa.gov/notices/supplemental-security-income/>.

C. 59. Member with Civil Service Pension

FAQ Number: 061120

A grantee has a member who is a retired civil servant receiving a federal civil service pension. Does the grantee or CNCS need a waiver for her to participate as an AmeriCorps member as OPM requires for those who participate as AmeriCorps VISTAs?

If a retiree from federal civil service returns to work for the federal government, his or her retirement benefits and/or new salary may be affected. However, AmeriCorps State & National members are not employees of the federal government or of the program for which they serve. The AmeriCorps State & National living allowance is not need-based and is not impacted by any other income a person may receive from other sources. There is no apparent conflict of interest in a retiree from federal civil service serving with AmeriCorps State & National.

C. 60. AmeriCorps service as an allowable work activity under Temporary Assistance for Needy Families (TANF)

FAQ Number: 060913

Is service in AmeriCorps considered an allowable work activity under TANF?

Yes. In the [June '06 Federal Register Notice](#), AmeriCorps and VISTA are explicitly listed as an example of community service meeting the definition of an allowable work activity.

C. 61. Administration of Childcare Payments

FAQ Number: 07 Prov. IV. I. 7

What are the Program Director's responsibilities in administering childcare?

1. Informing AmeriCorps@CARE. In addition to determining a member's eligibility at the start of the term of service, Program directors are required to notify AmeriCorps@CARE immediately in writing when:

- A member is no longer eligible for childcare benefits due to a change in the member's eligibility status (e.g., family income exceeds the limit, the child turns 13, a full-time member becomes a less than full-time member, or a member leaves);
- New or existing members become eligible for childcare benefits;
- A member wishes to change childcare providers or a childcare provider will no longer provide childcare services; or
- A member is absent for excessive periods of time (five or more days in a month).

Costs incurred due to the grantee's failure to keep AmeriCorps@CARE immediately informed of changes in a member's status may be charged to the grantee's organization.

2. Half-Time Members. Although no portion of childcare expenses for half-time members may be paid from Corporation funds, Programs may choose to provide childcare to half-time members from other sources.

3. Payments. Payments or reimbursement for childcare benefits will be made for eligible members to qualified providers from the date child care need was established after service began. The amount of childcare allowance may not exceed the applicable payment rate established by the State where the member is serving for child care funded under the Child Care and Development Block Grant Act of 1990. No payments and reimbursements will be made in the event the AmeriCorps member was ineligible, or if the provider was not qualified under the state guidelines.

4. Less Than Full-Time Members Serving in a Full-Time Capacity. Less than full-time members who are serving in a full-time capacity for a sustained period of time (such as a full-time summer project) may be eligible for childcare and healthcare benefits supported with Corporation funds.

C. 62. Child care coverage costs

FAQ Number: 070727

If NACCRRA does not cover all of a member's child care expenses, is it allowable for the program to use other CNCS grant funds to cover the remaining unpaid balance? Can they use grantee funds for this expense and report this as match?

Yes. They can use CNCS funds or grantee funds and count them as match as long as it does not exceed the allowance rate as set forth in [45 CFR §2522.250 \(a\)\(3\)](#).

C. 63. Member eligibility for state unemployment insurance

FAQ Number: 030318

Is an AmeriCorps member eligible for state unemployment insurance if he or she is released from service?

An AmeriCorps member's eligibility for state unemployment insurance is a matter of state law that is determined on a state-by-state basis. AmeriCorps grantees should consult their own state unemployment agency to determine the eligibility of members in their state for unemployment insurance.

C. 64. Eligibility of an AmeriCorps member for unemployment compensation

FAQ Number: 060313

If an AmeriCorps member loses a job outside of service in AmeriCorps, is the individual eligible to receive unemployment compensation for the loss of that position or would continued service in AmeriCorps preclude the person from being considered unemployed?

This is a state law question and the answer will differ from state to state. Some states view AmeriCorps service as employment in the unemployment compensation context, and others do not. This particular situation is a new twist on an old question of whether or not a member may receive unemployment compensation if released from AmeriCorps service, but ultimately, the state has to interpret its laws and determine whether it views AmeriCorps service as employment or not. If the state has not previously taken a position on this issue, the state commission can try to persuade them one way or the other, but the state unemployment agency will have to make the final call.

C. 65. Eligibility for AmeriCorps health insurance when receiving Medicaid or Medicare coverage

FAQ Number: 041215

The AmeriCorps grant provisions state that members may not receive health insurance paid for with AmeriCorps funds if they already have another type of health insurance. Does this apply to members who have Medicaid or Medicare coverage?

Full-time members are entitled to health insurance coverage even if they are on Medicaid or Medicare. Medicaid and Medicare coverage are considered wrap around coverage, which means that they will pick up any costs that the health insurance policy provide by the member's AmeriCorps program does not cover.

C. 66. Applicability of COBRA to member health coverage at conclusion of service

FAQ Number: 051207

Are AmeriCorps members entitled to continued health coverage under COBRA at the conclusion of their service in AmeriCorps?

The federal right to have continued access to employer-provided group health coverage is commonly called COBRA continuation coverage, for the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) in which it first appears. The requirements under the National and Community Service Act regarding health insurance apply to members only during their term of service. Therefore, the Corporation is not in a position to advise grantees or members on legal requirements outside the scope of our grant requirements. We are not aware of any definitive ruling by the Department of Labor or otherwise on whether, or under what circumstances, COBRA requirements apply to AmeriCorps members. Our understanding is that some health policies have provided members with COBRA coverage, while others have not.

Reference: 42 U.S.C. § 12594

C. 67. Member receiving jury duty pay

FAQ Number: 060104

May an AmeriCorps member who serves on a jury accept the jury duty pay? If yes, may the host organization require the member to pay the jury duty pay to the organization if it has such a policy for its employees?

The Corporation's statute and regulations are silent on this issue, therefore there is nothing that would prohibit a member from receiving jury duty pay. If the program's policy of collecting jury duty fees is permitted under state law, the program may collect the jury duty pay from the member. The grantee should make sure that the program's practice is legal under state law.

C.68. Family and Medical Leave

FAQ Number: 07 Prov. IV. I. 8

Can a member be authorized for temporary leave for the reasons allowed under FMLA if he or she does not otherwise meet the eligibility requirements for FMLA?

At the grantee's discretion, temporary leave may also be authorized for the reasons allowed under FMLA to AmeriCorps members who do not otherwise meet the eligibility requirements for FMLA leave as described in the regulations. If temporary leave is appropriate, grantees have the flexibility to determine the duration of the absence for up to 12 weeks, and may choose to continue providing health benefits to the member during the period of absence.

The length of the leave must be based on two considerations: (1) the circumstances of the situation; and (2) the impact of the absence on the member's service experience and on the overall program. If the disruption would seriously compromise the member's service experience or the quality of the program as a whole, then the grantee may offer the member the option of rejoining the program in the next class or completely withdrawing from the program.

C. 69. Impact of continuing health coverage during a suspension on return to complete a full term of service

FAQ Number: 980528

An AmeriCorps member is injured and cannot perform service for a period of time. If the grantee suspends the member but provides health coverage to the member during the period of suspension, may the member still extend his or her service end date to allow the member to complete the required service hours?

A grantee may provide health care coverage to a member for up to 12 weeks for medical/family leave reasons even if the member is not covered by the Family and Medical Leave Act. If the member is covered by the Family and Medical Leave Act, the program must continue to provide health coverage for up to 12 weeks. In general, a period of suspension does not count toward the one-year limit on full-time service. A member whose term has been suspended for family or medical reasons and who continues to receive up to 12 weeks of health care coverage may extend his or her service end date to complete his or service, as long as the member actually serves no more than 12 months, not counting the period of suspension.

C. 70. AmeriCorps and VISTA members and food stamps

FAQ Number: 070524

What are the rules on AmeriCorps and VISTA member eligibility for food stamps?

The treatment of benefits depends upon whether the member in question is serving with AmeriCorps State and National or VISTA. The Corporation for National and Community Service is the Federal agency responsible for overseeing both the AmeriCorps State and National and VISTA programs. However, the programs were authorized and are governed by different legislation so the two programs receive different treatment.

The AmeriCorps State and National program was authorized by the National and Community Service Act of 1990 (NCSA), 42 U.S.C. § 12501 et seq. The NCSA states allowances, earnings, and payments to participants in AmeriCorps programs “shall not be considered income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally-assisted program based on need, other than as provided in the Social Security Act.” 42 U.S.C. § 12637(d). Based on the language, the [USDA issued an opinion in 2001](#), which stated AmeriCorps State and National benefits are excluded from income for food stamp purposes.

If a VISTA member was receiving food stamps prior to enrolling in the VISTA program, payments to that VISTA cannot be considered in determining the amount of or eligibility for food stamps. Furthermore, entitlements to assistance may not be denied because of a participant’s failure or refusal to seek or accept employment while serving with the VISTA program. However, if a VISTA member was not receiving food stamps before entering the VISTA program, the member’s VISTA payments may be included as income in making food stamp calculations. This information can also be found in the USDA’s implementing regulations at [7 CFR 273.9\(c\)\(10\)\(iii\)](#).

If the member is serving with....	And the member...	Then...
AmeriCorps State and National (NCSA)	... was receiving food stamps prior to beginning service	...the member’s eligibility should be unaffected by their AmeriCorps living allowance.
	... was NOT receiving food stamps prior to beginning service	
AmeriCorps VISTA (DVSA)	... was receiving food stamps prior to beginning service	...the member’s living allowance may be included in income for food stamp purposes.
	... was NOT receiving food stamps prior to beginning service	

Therefore, the only situation in which an individual's food stamp eligibility might be affected is when the individual enrolls as a VISTA member and subsequently applies for food stamps.

C. 71. FMLA and leave

FAQ Number: 070206

A member does not qualify under the FMLA unless they have served 1,250 hours and 12 months, but there are situations in which the program director has the flexibility to grant leave when appropriate. For example, if a member is pregnant and her health is not good, the program might permit her to go on temporary leave rather than suspend the member, in order to continue her benefits. If this situation qualifies for temporary leave, is there a procedure that must be followed, other than documentation on-site?

Documentation in the member file of "temporary leave" will be sufficient.

C. 72. EAP and childcare

FAQ Number: 070119

Are EAP programs eligible to receive childcare through the Corporation provider?

No, they are not eligible for AmeriCorps Childcare benefits. EAP Programs are not required to have childcare benefits, thus CNCS is not required to pay for such benefits. EAP programs will have to provide childcare through their own budget and if the program cannot, the program may compile a list of possible community resources that provide childcare on a reduced or zero cost basis.

C. 73. Professional Corps and health care

FAQ Number: 42 U.S.C. § 12572(a)(8)

Are Professional Corps programs required to provide health care coverage for participants?

No. While the national service legislation generally requires AmeriCorps programs to provide health care coverage for eligible full-time participants, the specific statutory authority for Professional Corps programs exempts them from health care coverage requirements.

Generally, under Section 140(d) of the NCSA, AmeriCorps State and National grantees must provide health care coverage to full-time participants. Notably, the health care provisions in Section 140(d) apply only to those programs that seek reimbursement from the Corporation for the costs of health care coverage or that elect not to seek reimbursement. Professional Corps programs are defined by a specific statutory provision as providing 100% of the participants' salaries and benefits (other than education awards). 42 U.S.C. § 12572(a)(8).

Professional Corps programs, under this statutory definition, may neither seek reimbursements nor elect to offer an alternative policy of a specific market value. This recognizes the fact that Professional Corps programs, by design, enroll employees whose benefits (other than the education award) are outside the scope of Corporation assistance and therefore are not subject to the statutory provisions governing living allowances and health care. For this reason, Professional Corps programs may offer AmeriCorps

members a benefits package without regard to the statutory requirements applicable to other AmeriCorps programs.

C. 74. Reasonable Accommodations

FAQ Number: 07 Prov. IV. C. 4.

Where can I find out about creating reasonable accommodations for people with disabilities? When does an accommodation become not reasonable?

The vast majority of accommodations are inexpensive. For those cases where reasonable accommodations are more costly, there is a limited amount of money available through State Commissions to provide accommodations for service members. The Office of Disability Employment Policy operates a toll-free, confidential, free resource for employers on reasonable accommodation requirements and options for accommodating employees at (800) 526-7234 (voice/TTY), e-mail at JAN@jan.icdi.wvu.edu, or website at www.jan.wvu.edu.

Accommodations that impose an undue financial or administrative burden on the operation of the program or fundamentally alter its nature are not reasonable accommodations. However, the grantee must document and prove any undue burden. Similarly, a person who poses a direct threat to the health or safety to himself or herself or to others, where the threat cannot be eliminated by reasonable accommodation, is not a qualified individual with a disability. In such instances the grantee must document and prove the direct threat.

In a few cases, you may receive requests for accommodations that you believe are unduly disruptive to your program or are too expensive. Under the Rehabilitation Act and the terms of your grant or agreement with the Corporation, you must provide accommodation, upon request by a qualified individual with disabilities, unless doing so is an undue financial or administrative burden to your program. This is a very high standard. Not being easily achievable does not meet this standard. Being difficult to achieve, time-consuming, or costly, do not meet this standard.

In addition, there are many factors that go into evaluating the obligation to provide accommodations. Undue administrative burden means the accommodation will alter the fundamental nature of your program. For example, adjustment of hours is often a form of reasonable accommodation. However, you must carefully consider the circumstances and the legal requirements when adjusting hours for participants. AmeriCorps State/National programs have statutory requirements regarding service hours, and changes to hours that violate these requirements alter the fundamental nature of the program. Therefore, these changes are not required for reasonable accommodation and providing them may violate the Corporation's statute.

You must first determine if your program has consistently applied these requirements to all your participants. Strict adherence to the legal requirements to deny a person an accommodation for his or her disability when flexibility is allowed for others is discrimination because of disability.

How does a member file a disability discrimination claim?

Every grantee of the Corporation is required to have a grievance procedure for resolving disputes by participants. Except for AmeriCorps VISTA, your grievance procedure may include or exclude discrimination claims (failure to provide reasonable accommodation is a discrimination claim, and AmeriCorps VISTA excludes all discrimination claims from its grievance process).

Regardless of your decision in this regard, any participant may file a discrimination claim with the Corporation's Office of Civil Rights and Inclusiveness. That Office can be reached at (202) 606-7503, (202) 606-3472 (TTY), (202) 606-3465 (FAX), or eo@cns.gov. If you choose for all discrimination claims to be filed under your grievance procedure, it is recommended that you call upon the expertise of colleagues in the disability community to assist you in evaluating grievances.

C. 75. Non Discrimination

FAQ Number: 07 Prov. V. G. 5-8.

What are my obligations to order to comply with federal law and Corporation policy on non-discrimination?

1. **Obligation to Cooperate.** The grantee must cooperate with the Corporation so that the Corporation can ensure compliance with the civil rights statutes and implementing regulations. The grantee shall permit access by the Corporation during normal business hours to its books, records, accounts, staff, members, facilities, and other sources of information as may be needed to determine compliance.
2. **Discrimination Complaints, Investigations and Compliance Reviews.** The Corporation may review the practices of the grantee to determine civil rights compliance.

Any person who believes discrimination has occurred may file a discrimination complaint with the Corporation's Equal Opportunity Office. The grantee may not intimidate, threaten, coerce, or discriminate against an individual to interfere with a right or privilege secured by the civil rights acts or because the person made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing. The Corporation will keep the identity of complainants and witnesses confidential except as necessary to conduct an investigation, hearing, or judicial proceeding.

The Corporation will investigate whenever a compliance review, report, complaint, or other information indicates a possible failure to comply with the statutes and their implementing regulations. If an investigation indicates a failure to comply, the Corporation will so inform the grantee and any applicable subgrantees and will attempt to resolve the matter by voluntary means. If the matter cannot be resolved by voluntary means, the Corporation will initiate formal enforcement action.

Discrimination complaints may be raised through the grantee's grievance procedure. Use of the grantee's grievance procedure may not be a required precursor to filing a federal discrimination complaint with the Corporation. Use of the grantee's grievance procedure does not preclude filing a federal discrimination complaint. The grantee's grievance procedure should advise members that use of the grievance procedure does not stop the running of Corporation time frames for filing a discrimination complaint with the Corporation. In all cases where discrimination allegations have been raised with the grantee, the grantee must submit a written report to the Corporation's Equal Opportunity Office, which has review authority over the investigation and disposition of all discrimination complaints.

3. Self-Evaluation Requirements. The grantee must comply with (1) the self-evaluation requirements under section 504 of the Rehabilitation Act regarding accessibility for individuals with disabilities; (2) the self-evaluation requirements of the Age Discrimination Act of 1975; and (3) the self-evaluation requirements under title IX of the Education Amendments of 1972 regarding discrimination based on sex. Guidance regarding the self-evaluation requirements may be obtained from the Corporation's Equal Employment Opportunity Office, 1201 New York Avenue, NW, Washington, D.C. 20525, (202) 606-7503; (202) 606-3472 (TTY); (202) 565-2816 (FAX); or eo@cns.gov (e-mail).
4. Applicable Statutes. In accordance with its assurances, the grantee must comply with all federal statutes relating to non-discrimination to the extent applicable, including, but not limited to titles VI and VIII of the Civil Rights Act of 1964 (42 U.S.C. §2000d and 3601 *et seq.*), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), title IX of the Education Amendments of 1972 (20 U.S.C. §1681 *et seq.*) the Age Discrimination Act of 1975 (42 U.S.C. §6101 *et seq.*), the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), the Public Health Service Act of 1912 (42 U.S.C. §290dd-3 and 290ee-3), and the requirements of any other non-discrimination provision in the National and Community Service Act of 1990, (42 U.S.C. §12635), or any other applicable non-discrimination provision.

C. 76 Members working where serving

FAQ Number: 080919

Can an AmeriCorps member work in the organization where they are serving?

The Corporation has a long-standing policy against permitting an AmeriCorps participant to be simultaneously employed by the organization with which the participant is serving. Participants are, by definition, not employees of the organizations with which they serve. To allow a participant, even on the individual's free time, to perform paid work for the organization begins to chip away at the wall between "employment" and "service." The program would be presented with a challenge in distinguishing between time that the individual is a participant, and time that the individual is an employee. Although it may be possible to structure a relationship in which an individual, during non-AmeriCorps

service hours, performs paid work for the same organization, in which the individual's duties as a participant are entirely distinct from the individual's duties as an employee, the Corporation's general stance is that the risk for confusion is insurmountable.

C. 77 Grievance and serving a second term

FAQ Number: 080317

An AmeriCorps member was terminated for cause, and the program gave her an unsatisfactory performance rating. She has filed a grievance disputing the termination and the rating. Is the member eligible to serve another term in another program?

Unless and until this grievance results in a rating of "satisfactory" for the member, she is not eligible to serve a term with another program.

C. 78. Living allowance and TANF

FAQ Number: 080919

Is the AmeriCorps living allowance considered income for determining TANF eligibility for AmeriCorps members?

Yes. The National and Community Service Act of 1990 provides that allowances, earnings, and payments to participants in AmeriCorps State and National programs "shall not be considered income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally-assisted program based on need, other than as provided under the Social Security Act (SSA)."

Temporary Assistance for Needy Families (TANF) is a block grant program which amended the SSA. Because TANF is under the SSA, the AmeriCorps State and National living allowance may be considered income for the purposes of determining eligibility for and the amount of aid under TANF.

C. 79. Member evaluations and EAPs

What are the requirements for member evaluations for EAPs?

FAQ Number PU-0608

1. What is the requirement for Education Award Programs (EAPs) regarding member evaluations?

In the past, the Provisions were silent as to whether EAPs were required to comply with the regulatory requirement to perform member evaluations. Starting in 2008-2009, EAPs will have to comply with the regulation, which is designed to ensure that members are evaluated sufficiently to determine eligibility for a second term of service. Here is the regulation:

45 CFR § 2522.220 What are the required terms of service for AmeriCorps participants, and may they serve for more than one term?

(c) Eligibility for second term. A participant will only be eligible to serve a second or additional term of service if that individual has received satisfactory performance review(s) for any previous term(s) of service in accordance with the requirements of paragraph (d) of this section. Mere eligibility for a second or further term of service in no way guarantees a participant selection or placement.

(d) *Participant performance review.* For the purposes of determining a participant's eligibility for a second or additional term of service and/or for an AmeriCorps educational award, each AmeriCorps program will evaluate the performance of a participant mid-term and upon completion of a participant's term of service. The end-of-term performance evaluation will assess the following:

- (1) Whether the participant has completed the required number of hours described in paragraph (a) of this section;
- (2) Whether the participant has satisfactorily completed assignments, tasks or projects; and
- (3) Whether the participant has met any other performance criteria which had been clearly communicated both orally and in writing at the beginning of the term of service.

2. How do state competitive and national direct programs evaluate their members now? Is there a standard format for mid-term and final evaluations?

The minimum requirements for mid-term and final evaluation are stated in the regulation, above. Grantees may determine the format and contents of their evaluation to meet their needs and the needs of their members as long as these minimum requirements are in place.

3. How should we document that the evaluation took place?

The minimum requirement is to have verification that the member received the mid-term and final evaluation as described in the regulation, i.e. whether the participant has completed the required number of hours; satisfactorily completed assignments, tasks or projects; and has met any other performance criteria which had been clearly communicated both orally and in writing at the beginning of the term of service.

4. Currently programs are not required to conduct mid-term evaluations for members that serve less than half time. Will that provision continue?

Yes, that provision remains in effect.

5. Are we expected to reach out to the program where a member first served to determine the results of these evaluations if he or she is applying for a second term?

It is important to ensure that a member who served previously is eligible to serve in your program, and you should make a reasonable effort to gather that information. If the member received an education award, you may assume the member served satisfactorily in the previous term. If the member was released for cause without receiving an education award, and you do not check with the program with which the member formerly served, you run the risk of enrolling an

ineligible member. In this case some or all of the costs associated with that member can be disallowed. We are planning on automating this process in the My AmeriCorps Portal so the member's past service will be evident in the system.

6. Is this policy change retro-active? In other words, will my program be audited on the basis of the regulations or the Provisions that were in effect at the time the program was in operation?

The Corporation management intends to hold programs harmless for non-compliance with the regulation in the past because they have been in compliance with the Grant Provisions issued with their grant. The new requirement applies to grants awarded in 2008 and forward.

7. Additional questions?

E-mail aborgstrom@cns.gov and copy your Program Officer.

C. 80. The HEART Act

FAQ Number: ASNU-0807

What is the HEART Act and how will it affect AmeriCorps members?

On June 16, President Bush signed into law H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act of 2008 ("the HEART Act"), making AmeriCorps more accessible to people with disabilities. The HEART Act contains a provision we have been seeking that excludes AmeriCorps benefits from being counted as income for purposes of eligibility for Supplemental Security Income (SSI). This extends the long-time AmeriCorps VISTA income disregard for SSI to all AmeriCorps positions. An SSI recipient who enrolls in AmeriCorps will no longer risk the loss of SSI benefits or eligibility as a result of participating in AmeriCorps. While the law does not extend to Social Security Disability Insurance (SSDI), it removes a significant barrier to participation for SSI recipients. We are working with the Social Security Administration on implementation of the new law. Additional information and resources are posted [here](#).

C. 81. HEART Act and Professional Corps

FAQ Number: 080915

Are members who receive their living allowance in the form of a wage paid with match funds eligible to receive SSI Heart Act benefits?

There is nothing in the law to suggest that the manner in which AmeriCorps benefits are distributed to a member would impact the applicability of the HEART Act's amendment (directing SSA to ignore AmeriCorps benefits when determining eligibility for SSI). In other words, whether the member is receiving a living allowance in the standard form or as a wage, if it is an AmeriCorps benefit, SSA will ignore it for the purposes of determining eligibility for SSI.

C. 82 AmeriCorps Members and SSI

FAQ Number: 080910

How do Supplementary Security Income (SSI) rules affect AmeriCorps members?

Supplemental Security Income (SSI) is a Federal program that provides a monthly cash benefit to low-income individuals who are aged, blind, or who have a disability. In the past, receiving an AmeriCorps living allowance could disqualify an individual from eligibility. Under the Heroes Earnings and Relief Tax Act of 2008, the Social Security Administration will ignore an individual's receipt of AmeriCorps benefits for purposes of SSI eligibility. The Heroes Act excludes "any benefit (whether cash or in-kind)" and so covers the living allowance, health insurance, child care, and the education award (and related interest payments).

Additionally, SSI recipients who serve in AmeriCorps State/National and National Civilian Community Corps automatically qualify for the Student Child Earned Income Exclusion if they meet applicable age and marital status requirements.

SSI recipients who are (1) under the age of 22 and (2) neither married nor the head of a household are eligible for the student earned income exclusion, which excludes from countable earned income \$1,290 per month and up to \$5,200 per year (amounts as of January 1, 2001). This exclusion may be combined with existing SSI work incentives and other income disregard rules, which should encourage more young people with disabilities to participate in AmeriCorps State/National and NCCC.

Note that the Student Child Earned Income Exclusion policy change does not affect AmeriCorps VISTA members, whose benefits are already fully excluded from income under section 404 of the Domestic Volunteer Service Act.

Any portion of an education award used by an SSI recipient to pay for tuition, fees, and other necessary education expenses (not including room and board, or repaying student loans) will not count as income. Any portion of the education award that is not used for tuition, fees, or other necessary educational expenses counts as income in the month that it is used. For general questions about SSI or the terms used in this answer, go to <http://www.ssa.gov/notices/supplemental-security-income/>.

C. 83 AmeriCorps benefits and other Federal benefits

FAQ Number: 080910

Do AmeriCorps benefits count as income in determining eligibility for other Federal government benefits?

The answer depends upon the federal benefits program in question. The National and Community Service Act of 1990 (NCSA) provides that allowances, earnings, and payments to participants in AmeriCorps programs "shall not be considered income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act."

The Heroes Earning Assistance and Relief Tax Act of 2008 provided that AmeriCorps benefits, including the living allowance, health insurance, child care, and the education award (and related interest payments) are excluded from countable income for determining eligibility for Supplemental Security Income (SSI).

Therefore, if the benefits program is federally-funded and is based on need, and is not provided under the Social Security Act (other than SSI), AmeriCorps State and National benefits should not affect an AmeriCorps member's eligibility for such assistance. Examples include Food Stamps, Pell Grants, HUD housing programs, and VA benefits.

If, on the other hand, the benefits program is not Federally-funded, not need-based, or is provided under the Social Security Act (other than SSI); the member's eligibility for those benefits might be affected. The member should contact the relevant State or Federal agency responsible for the program in question, or the State Commission, to get a determination. Examples of benefits that might be affected by AmeriCorps benefits are Temporary Aid for Needy Families (TANF), Medicaid, Medicare, and SSDI. Refer to the Corporation's website at http://www.americorps.gov/for_organizations/funding/gc_guidance.asp for additional information.

Reference: 42 U.S.C. § 12637(d)

C. 84 Health insurance and members on Medicaid

FAQ Number: 2002-2003 PD Handbook

Are programs required to provide health care insurance for members on Medicaid?

You must provide health care coverage to all full-time AmeriCorps and Promise Fellows members even if they are eligible for Medicaid. The U.S. Department of Health and Human Services (HHS) has taken the position that members receiving Medicaid have coverage available to them through AmeriCorps. Because Medicaid "wraps around" other available health care coverage, Medicaid will pick up only those costs that are not covered under the AmeriCorps policy. Members who remain on TANF will continue to receive Medicaid for their dependents. Members who lose TANF due to the living allowance usually can continue to receive extended Medicaid coverage for their dependents for up to one year. Program applicants Applicants receiving these benefits should consult with their caseworkers before enrolling in AmeriCorps.

C. 85 Accidental Death and Dismemberment Insurance

FAQ Number: 2002-2003 PD Handbook

Are programs required to provide Accidental Death and Dismemberment Insurance?

Programs are responsible for ascertaining whether state law requires the provision of Workers' Compensation for members. In states where Workers' Compensation is not required, you must obtain Accidental Death and Dismemberment (ADD) insurance to cover any member who is injured or killed in a service-related accident. The Corporation does not endorse any particular provider of ADD insurance.

There is no minimum requirement for ADD insurance; however, programs should be sure that the AD&D insurance is sufficient to cover in-service injuries or accidents. If a member is injured on the job, that member could hold the program responsible. There have been situations in the past where the program didn't have the required AD&D insurance and faced medical bills for an injured member. While AD&D insurance is an allowable cost, medical and legal bills resulting from not having AD&D insurance aren't.

C. 86 Child care for part-time members

FAQ Number: 2002-2003 PD Handbook

May programs provide part-time members with child care benefits?

Although no portion of child care expenses for part-time members may be paid from Corporation funds, programs may choose to provide child care to part-time members from other sources. Part-time members serving full-time hours for a sustained period of time (such as a full-time summer project) may receive child care benefits through AmeriCorps*_CARE.

Part-time members (referred to as half-time members in year 2003) may be eligible for child care subsidies available through state-administered child care assistance programs. Various state child care programs are also available to families who are on TANF, at risk of going on TANF, or losing TANF due to the AmeriCorps living allowance. AmeriCorps member eligibility for child care does not guarantee availability of child care assistance in any particular state. Local agencies such as the child care resource and referral agency in your area can help part-time members research information about these programs. You may also contact the state's child care coordinator (usually housed in the state Department of Education, Social Services, Human Services, Social Insurance, or similar agency) for guidance.

C. 87. Post-service job referrals

FAQ Number: 2002-2003 PD Handbook

Are programs required to provide post-service job referrals to members?

Programs are not required to provide job referrals for members as they near the end of their service. However, many programs feel a responsibility to work with their members throughout the year and especially toward the end of the term of service on advancing members' career and educational goals. Activities can range from offering assistance with resume writing and preparation of college applications, to working with local employers to arrange job interviews or job placements.

C. 88 Releasing member names and/or photos to the press

FAQ Number: 2002-2003 PD Handbook

May I release members' names and/or photographs to the press?

Program directors must have the written consent of members before disclosing their names or photographs to the press or releasing personal information about them.

C. 89 Travel time between sites

FAQ Number: 080825

Can travel time between service sites be counted as service time?

Yes. Member travel time between service sites during a service day is counted as service time; the initial trip to a service site that day, and the time going home from the last site, are considered commuting time and are not counted as service hours.

D. Program Management

D. 1. Member service gear

FAQ Number: 07 Prov. IV. B. 3

What is the policy regarding the purchase of member service gear?

Grantees are encouraged to provide the core AmeriCorps service gear package for each member. The grantee should direct members to wear their service gear at officially designated AmeriCorps events and may allow members to wear their service gear at other times consistent with Corporation guidelines. All member service gear purchased with federal funds is required to include the AmeriCorps logo.

D. 2. Members serving in two states

FAQ Number: 060215

Can a member in an AmeriCorps State program serve in an adjacent state?

This is an issue for the states to decide. The commission funding the out-of-state project needs to make sure that the commission of the state in which the service will be performed agrees to or is at least aware of the funding of that project by the other state. The funding state also needs to be aware of the liability insurance issues that can arise when service is performed out of state, such as disaster relief activities. In the past there have not been many states which have funded long-term projects in other states because of an unwillingness to spend state funds on out-of-state activities. However, states are allowed to set this policy for themselves.

D. 3. Professional Corps members as employees

FAQ Number: 060329

Generally an AmeriCorps member is not considered an employee of the program in which he or she serves. Does this rule apply to professional corps members?

While the general rule is that AmeriCorps members are not employees of the program in which they serve, professional corps members may, in many circumstances, actually be employees. The National and Community Service Act authorizes Professional Corps to place qualified professionals in professional positions “in communities with an inadequate number of such professionals.” The statute specifically authorizes “a salary in excess of the maximum living allowance,” and the legislative history clearly anticipated that members would be “placed as professionals ... in a community that can not attract enough of these professionals.” For example, professional corps members serving through Teach for America are placed as professional teachers in underserved schools. They receive a salary from the school at which they are teaching, and are on the staff of the school.

Reference: 42 U.S.C. 12572(a)(8); House Report no. 103-70.

D. 4. Changes in Member Status

07 Prov. IV. F. 1, 2, and 3

How do I change the status of a member position or a member?

Circumstances may arise within a program that necessitate changing the type of unfilled AmeriCorps member positions awarded to a grantee or sub-grantee, 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.

Any change of member status that:

- a. Necessitates a change in the number of member service year positions in the grant, or
- b. Changes the funding amount of the grant

requires prior written approval from the Corporation's Office of Grants Management.

1. **Changing Slot Types (unfilled positions).** Grantees or sub-grantees 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),
 - b. the change does not increase the amount of the education award (effective November 14, 2006).

To request a change in slot type, the grantee must make a slot conversion and/or correction request in WBRs.

2. **Changing a Term of Service (filled positions).** Changes in terms of service may not result in an increased number of MSYs for the program.
 - a. **Full-time.** State Commissions and Parent Organizations may authorize or approve occasional changes of currently enrolled full-time members to less than full-time members within the first 90 days of the member's service. Impact on program quality should be factored into approval of requests. The Corporation 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. A Change of Status form must be completed in WBRs and forwarded to the Corporation within 30 days.
 - b. **Less than Full-time.** Changing less than full-time members to full-time is discouraged because it is very difficult to facilitate, unless done very early in the member's term of service. State Commissions and Parent Organizations may authorize or approve such changes so long as they are within the first 90 days of the member's service, and the 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. A Change of Status form must be completed in WBRs and forwarded to the Corporation within 30 days.

D. 5. Slot Conversion, Refill, and Transfer

FAQ Number: 0611PU2/ASN 06-004

As of November 13, 2006, programs are allowed to convert one full-time position to up to three quarter-time positions. All conversions will be Trust neutral, are subject to availability of funds in the Trust, and will comply with all assumptions on which Trust continued solvency are predicated.

This policy allows AmeriCorps slots to be converted in accordance with the grant award (AmeriCorps General Provision, Section IV. E., Terms of Service) but without regard to the limitation therein on increasing the number of slots in the program. Thus, when converting a slot to one requiring fewer hours, the grantee is not limited to a one-for-one slot conversion, and may increase the number of members correspondingly. However, the total number of MSYs and education award amounts in the grant may not increase as a result of the slot conversion.

For example:

1 full-time member position (1 MSY and a \$4,725 education award) may be converted into 2 half-time slots (2 x .5 members = 1 MSY) and a total education award amount of \$4,725 (2 x \$2,363).

1 full-time member position may not be converted into 4 quarter-time positions because the education awards would total \$5,000 (4 x \$1250); in this example, the maximum number of allowable quarter-time positions would be 3.

Grantees may also combine and convert less than full-time positions to full-time positions as long as such changes do not increase the total MSYs or total education award amounts awarded in the grant. The table below shows hours and education awards by slot types.

Term of Service and Education Award

Term of Service	Minimum # of Hours	Education Award
Full Time	1700	\$4,725
One-Year Half Time	900	\$2,362
Two-Year Half Time	900	\$2,362
Reduced Half Time	675	\$1,800
Quarter Time	450	\$1,250
Minimum Time	300	\$1,000

State commissions will also be allowed to transfer slots from one formula program to another in order to maximize enrollment and cost effectiveness.

D. 6. Extending the maximum period for completing service for a member with a disability

FAQ Number: 980520

May a program extend the maximum time available for a full-time member to complete his or her service if the member has a disability?

The maximum periods for completion (12 months for full-time members; not more than two years for less than full-time members) are based on the statute (42 USC 12593(b)). A

program may, however, determine that the member is eligible to be released for compelling personal circumstances and provide a pro-rated education award to the member when the member has reached the maximum period for completing service.

D. 7. Evaluation FAQs

FAQ Number: 070613

Corporation for National and Community Service: AmeriCorps State and National Programs

Requirements

1. What are the evaluation requirements for AmeriCorps grantees?

As articulated in the AmeriCorps regulations [45 CFR §§ 2522.700-740](#), all AmeriCorps State and National grantees that receive an average annual Corporation grant of \$500,000 or more must conduct an independent evaluation. An independent evaluation uses an external evaluator who has no formal or personal relationship with, or stake in the administration, management, or finances of the grantee or of the program to be evaluated.

All other AmeriCorps State and National grantees must conduct an internal evaluation. An internal evaluation is designed and conducted by qualified program staff or other stakeholders, such as board members, partners, or volunteer affiliates.

All evaluations must cover at least one year of Corporation-funded service activity. The \$500,000 threshold is calculated by averaging your Corporation grant over the last three years you have received Corporation funding, at the time you recompute.

Please note that the \$500,000 threshold represents Corporation funding, not total budget with match. Only 21% of State grantees receive an average annual grant of \$500,000 or more and are required to provide an independent evaluation. For these grantees, participation in national or state-wide evaluation studies also satisfies the requirement.

See Questions 22 and 23, below for more detail on Commission- or Corporation-sponsored statewide and national evaluations. The regulations can be found at

www.gpoaccess.gov/ecfr and <http://www.americorps.gov/about/ac/rulemaking.asp>

In summary:

If you are a...	You will submit an...
State formula grantee	Evaluation as specified by your state commission.
State competitive grantee with an average annual Corporation grant under \$500,000	Internal Evaluation
State competitive grantee with an average annual Corporation grant of \$500,000 or more	Independent Evaluation
National grantees with an average annual Corporation grant under \$500,000	Internal Evaluation
National grantee with an average annual Corporation grant of \$500,000 or more:	Independent Evaluation
State and National Education Award Program (EAP) grantee, regardless of funding	Internal Evaluation

2. What are the requirements for the internal and independent evaluation plans?

If you are recompeting you are required to submit “a summary of your evaluation efforts or plan to date, and a copy of any evaluation that has been completed, as part of your application for funding” (45 CFR § 2522.730). If you re compete again in 2010 or beyond, you are required to submit a completed evaluation with your application. The Corporation will consider the results of your evaluation “in assessing the quality and outcomes of your program” (45 CFR § 2522.470).

3. What does the Corporation expect of a grantee that conducts an independent evaluation?

If you receive an average of \$500,000 or more per year from the Corporation, averaged over the last three years of funding you have received before you re compete, we expect you to conduct an independent evaluation by contracting with an external evaluator. The AmeriCorps regulations describe how this evaluation should provide evidence of a causal relationship between program activities and outcomes (45 CFR § 2522.700). You may consider using an experimental or quasi-experimental design, or compare your results with national/state/local data. Your external evaluation method should match the size, scale, and purpose of your program.

4. What does the Corporation expect of a grantee that conducts an internal evaluation?

In our ongoing effort to reduce burden on grantees, especially those with smaller grants, grantees an average annual grant under \$500,000 may submit an internal evaluation. The primary difference between the independent evaluations that grantees that receive \$500,000 or over are required to submit and the internal evaluation is who conducts the evaluation study. Your own staff and other stakeholders can serve as internal evaluators.

We encourage you to design your internal evaluation so that it will yield data most useful to you. You may opt for an impact evaluation, or you may conduct a process or management evaluation. You are not required to conduct an experimental or quasi-experimental evaluation that proves causality, which is required of grantees that receive \$500,000 or over, although you are allowed to conduct this type of study. We expect the same high quality that we expect of a larger grantee, regardless of the type of evaluation you decide to conduct.

Resources

5. What training and technical assistance (TTA) resources are available through the Corporation to help grantees develop their evaluation plans?

The Corporation will provide TTA to help program managers work with their evaluators to plan and manage their program evaluations. Project STAR, the Corporation’s performance measurement and evaluation TTA provider has prepared a sample evaluation plan that can be found on the Project STAR web site, listed here <http://www.nationalservice.gov/resources>.

The Corporation’s web site includes a number of useful evaluation tools and resources <http://www.nationalservice.gov/resources/>. The American Evaluation Association, Harvard Family Research Project, the United Way, the U.S. Department of Education,

and the W.K. Kellogg Foundation also include useful information on evaluation on their web sites (see list at the end of these FAQs).

6. Do grantees need to submit evaluation surveys to the Office of Management and Budget (OMB)?

No. OMB's information collection requirements apply only to Federal Executive Departments and agencies, branches of the military and other establishments of the Executive Branch of the federal government.

7. Are AmeriCorps grantees required to comply with federal-wide requirements that focus on human subjects research, as articulated by the U.S. Department of Human Services (www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm)?

No. The Corporation is not included as an agency covered by this regulation. However, all AmeriCorps grantees should ensure that they are in compliance with rules and regulations for Institutional Review Board approval of research as implemented by your own agency or educational institution.

8. How much should I budget for evaluation?

A range for the cost of evaluation you may want to consider is 5% to 10% of the total budget of the program (W.K. Kellogg Evaluation Handbook, pg. 54). The complexity of the evaluation plan and expertise and experience of the evaluator will determine the cost.

9. Where can I locate an independent evaluator and what should be the selection criteria for choosing one?

Universities can be good sources for evaluators, as can referrals from your peers. The state commission in your state may be able to provide a list of college and university contacts that have evaluation expertise. National conferences can also be excellent sources for evaluators. Please see additional resources listed at the end of this FAQ, including the American Evaluation Association's "Find an Evaluator" pages which list research firms/evaluators available by state.

Review and Use of Evaluations by the Corporation

10. When will my internal and independent evaluation plan, evaluation summary, or evaluation report be reviewed?

Internal and independent evaluation plans, summaries, and reports will be reviewed as part of the grant application review process.

11. What will the Corporation do with my evaluation?

Your evaluation is primarily a tool for you to use to strengthen your program and your impact. It provides you with data for continual improvement, adjustment, and action. The Corporation will assess your evaluation as part of our assessment of the quality and outcomes of your program. Evaluation results will also be mined nationally to identify and share promising practices with the field.

Other Issues

12. What is the relationship between my performance measures and my independent or internal evaluation?

Performance measurement is the process of collecting and analyzing data related to observed changes in communities, participants (members), or end beneficiaries.

Evaluation is a more in-depth, rigorous effort to measure the impact of programs. While performance measurement and evaluation both include systematic data collection and measurement of progress, evaluation uses scientifically-based research methods to assess the effectiveness of programs by comparing the observed program outcomes with what would have happened in the absence of the program. You are strongly encouraged to include the data you collect for performance measurement in your evaluation study. You will find more information on how evaluation differs from performance measurement in the AmeriCorps regulations [45 CFR § 2522.700](#).

13. Should my evaluation focus on the entire spectrum of expected outcomes or a particular slice of the expected outcomes?

This is up to you. The focus of your evaluation depends on what you decide to be the most relevant indicators to measure. We encourage you to link your evaluation design to your performance measures and primary service activities, since you are already collecting and analyzing these data.

14. Is an evaluation required to focus on primary service category (impact in the community) or can it focus on member development?

You may evaluate any aspect of your program that you choose.

15. As a multi-site grantee, am I expected to perform a multi-site evaluation and compare findings to national data?

This depends on your evaluation design. If you are a multi-site grantee, it would be logical for you to evaluate at least a representative sample of your operating sites, if not all of the sites. The most important factor is that the sites you choose to evaluate are appropriate within the context of your evaluation design and methodology, and representative of all of your sites, as opposed to selecting any particular number or type of sites.

16. As a national grantee that serves as an umbrella organization for many different kinds of service activities (i.e. we support mentoring, health, public safety, and environmental programs) what should I evaluate?

You and your internal or independent evaluator need to determine what to evaluate. You may want to consider focusing your evaluation on what you are already measuring with your performance measures. If you have multiple and very different performance measures, you may want to evaluate elements common to all your programs, such as volunteer leveraging or capacity-building results.

17. How should capacity building be evaluated?

You and your internal or independent evaluator would need to determine the set of evaluation procedures and indicators that will best capture the organizational capacities that your program is developing.

For State Commissions

19. As a commission, must I consult with my Corporation Program Officer in determining our evaluation policy?

As a state commission, we expect you to determine your own evaluation policy for your formula portfolio. You are encouraged to confer with your Program Officer when developing your evaluation policy.

20. When a commission submits a former formula program to the Corporation for competitive review, will its application be considered a new competitive application or will it be considered a re-competing application that requires an evaluation plan, summary, or evaluation report?

A formula program that re-applies and is submitted as a competitive application will be considered a re-competing application, if it satisfies the Corporation's definition of "same project," below. If your project satisfies the definition, you will be required to submit an evaluation plan, summary, or evaluation report when you re-compete. If your project does not satisfy the definition, it will be considered new and will not be required to submit an evaluation plan, summary, or completed evaluation.

Two projects will be considered the same if they:
address the same issue areas;
address the same priorities;
address the same objectives;
serve the same target communities and population;
utilize the same sites; and
use the same program staff and members.

21. Can a commission conduct a statewide evaluation rather than requiring individual programs to conduct evaluations?

A statewide independent evaluation is permitted, with prior approval by the Corporation, providing it covers all AmeriCorps programs in a state. Results must be disaggregated by program to ensure consistency across the entire national portfolio.

22. Can a commission use formula funds to conduct a statewide evaluation?

Formula funds can only be used to evaluate formula programs. You are required to put funds for statewide evaluation into each of your subgrantee's budgets.

23. When will AmeriCorps provide more information regarding "one or more strategies ...including, potentially, national Corporation-administered evaluations" cited in the preamble to the Rule?

From time to time, the Corporation's Office of Research and Policy Development (RPD) undertakes national evaluations. For example, in 2005 RPD launched a national study of Youth Corps programs that includes random assignment. In the past, RPD also conducted a longitudinal survey, and has produced state profiles. The Corporation will keep you apprised of such national evaluation efforts as they emerge. We encourage you to

participate if invited to do so. Due to resource constraints most Corporation evaluation studies will focus on certain types of programs. For example, the Corporation may be interested in conducting a study of mentoring programs, and only a nationally representative or random sample of programs conducting these activities may be asked to participate in the study.

If a program participates in a national evaluation conducted by the Corporation, that program will be exempt from the requirement to provide an internal or independent evaluation during the next two three year grant cycles.

Additional Information on Statewide Evaluations distributed June 6, 2007

Admin and PDAT funds

Admin and PDAT funds may be used to cover the cost of a statewide evaluation of both your formula and competitive programs.

Formula

Commissions may choose to spread the cost of an evaluation of their formula programs among the budgets of their formula subgrantees. Formula funds may not be used to evaluate competitive programs.

Competitive

Commissions may choose to spread the cost of an evaluation of their competitive programs among the budgets of their competitive subgrantees. In this instance, the subs would budget for the evaluation out of federal or match funds, and the commission would draw down whatever percentage you have required. The total CNCS share for the program cannot go above the approved amount. Competitive funds may not be used to evaluate formula programs.

If the evaluation was not included in the competitive application when it was approved, a rework of the sub's budget during negotiation would be required before award. Notify your program officer immediately if this is the case since it would require CNCS approval. Reworking the budgets before award could impact the timing of the awards.

Steps to add evaluation into the competitive programs:

- Commissions' competitive subs may not increase their CNCS approved amounts but must rework their budgets from the approved funds to create a line item for evaluation in Section H;
- eGrants will do the match calculations, so primes and subs need to be sure that the sectional and overall match are being met with the evaluation funds.

Suggestions to Commissions on How to Access the Funds Once They are Budgeted for Evaluation

The following suggestions are intended to assist commissions in understanding how to access funds for evaluation after they have been budgeted in their competitive or formula subgrants. Please note that because commission accounting systems vary, these are merely suggestions:

- The commission should have a written plan that explains how and how frequently (e.g. all at once, monthly or quarterly) it plans to access the evaluation funds;
- When a sub submits a reimbursement request, the commission can draw the evaluation funds at the same time, retaining those funds in its own account;
- The commission needs to be sure that when drawing these funds, it will not have the cash on hand for an excess period of time in order to reduce the amount of interest earned;
- The commission needs to be sure that the sub is meeting the match requirements with the evaluation funds. If the commission chooses to access the evaluation funds early on, then it needs to be certain the match will be met over the course of the year.

Performance Measure Amendments and Corrective Action Plans for Formula, State Competitive Grantees, and National Grantees

1. What is a Corrective Action Plan?

If at any point you collect data that indicates you are not going to meet your performance measurement targets, initiate a Corrective Action Plan by contacting your Program Officer, or if you are a formula grantee, your state commission.

2. When do we decide that we need to submit a Corrective Action Plan?

Assess the need to submit a Corrective Action Plan at the same time you collect data for performance measurement. Corrective Action Plans should be submitted within 30 days of noticing that you are not on track for meeting any of your performance measures. If you are a formula program, the state commission that approves the plan will forward a copy to the Corporation within 15 days of approving the plan. If you have questions about determining what constitutes being not on track for meeting your performance measures, please contact your Program Officer or if you are a formula grantee, your state commission.

3. What topics need to be addressed in a Corrective Action Plan?

According to the AmeriCorps Rule, your Corrective Action Plan needs to be in writing and should include all of the following:

The factors impacting your performance goals.

The strategy you are using and the corrective action you are taking to get back on track toward your established performance measures.

The timeframe within which you plan to achieve getting back on track with your performance measures.

4. What is the role of the Program Officer in drafting a Corrective Action Plan?

You should draft your Corrective Action Plan and timeline in consultation with your Program Officer. The final plan should represent your agreed-upon strategy to get back on track in terms of meeting your performance measures.

5. After a Corrective Action Plan is put into place, how long does a program have to meet its requirements?

Your Corrective Action Plan will include a timeline that determines when you are expected to be back on track with your performance measures. Typically, programs are allowed 60-90 days to correct their course and start making progress again towards meeting performance measures.

6. What topics need to be addressed in a Request to Amend Performance Measures? When should these be submitted?

You may change your performance measures only if the Corporation, or, for formula programs, the state commission, approves your request to do so. Requests should address your plans to:

Adjust your performance measure or target based on experience so that your program's goals are more realistic and manageable.

Replace a measure related to one issue area with one related to a different issue area that is more aligned with your program service activity.

Redefine the service that individuals perform under the grant.

Eliminate an activity because you have been unable to secure necessary matching funding.

Replace one measure with another.

A request to amend your performance measures should include all of the following:

Why you are not on track to meet your performance measures, if that is the case.

How you have been tracking your performance measures.

Evidence of the corrective action you have taken.

Any new proposed performance measures or targets.

Your plan to ensure that you meet any new measures.

Submit your request to amend your performance measures within 30 days of determining that you are not meeting your performance measures. If you are a formula program, the state commission that approves the request will forward a copy to the Corporation within 15 days of approving the request.

7. Is there any difference between the requirements and process for submitting Corrective Action Plans for formula and competitively funded programs?

There is no difference in the requirements and the process except formula programs submit their Corrective Action Plans and Requests for Amendment to their state commission rather than directly to the Corporation.

8. Is each method used to address unmet performance measures independent of each other or are they consecutive improvement strategies (e.g., is a Corrective Action Plan always required prior to submitting a Request to Amend Performance Measures?)

The methods can be either independent, or consecutive. The AmeriCorps Rule states that if you are not meeting your performance measures, you should develop and submit to the Corporation or your state commission a Corrective Action Plan, OR a Request to Amend Performance Measures. A Request to Amend Performance Measures may be submitted without a Corrective Action Plan, and vice versa.

For example, in some cases, a program might first develop and engage in corrective action, and then decide to make a request to change their performance measures. In other situations, a program might change its performance measures with no need for corrective action, but later may need to develop a Corrective Action Plan. And in a third situation, a program might develop and engage in a Corrective Action Plan that includes a request for new performance measures.

D. 8. Program Close-out

FAQ Number: 061026

If we have a number of programs closing out on different dates, should we hold them all until the last date? Or should we submit them as they come in?

You do not close out individual programs; you close out your entire grant. You have 90 days after the end of your project period to close out your grant. The most important task for close out is to reconcile the amount you report on the FSR with the amounts you report disbursed on the FCTR (272) to HHS and the amount you drew down from your HHS account. All three of these amounts must match.

E. For State Commissions

E. 1. Ability of a commission to provide administrative funds to a volunteer center

FAQ Number: 990111

May a state commission convey a portion of its administrative grant to volunteer centers for the purpose of organizing cross-stream events?

Yes. The commission may by agreement support cross-stream activities to be performed by another entity and require the other entity to provide cash or in-kind match (excluding other Corporation or federal funds or member time). Again, as the grantee of the Corporation, the commission would be accountable for ensuring that all match was met, and that activities supported by the funds were allowable and within the commission's responsibilities.

E. 2. Use of youth advisory councils by state commissions

FAQ Number: 990826

Is there a requirement in the Corporation guidelines, federal regulations, or statute that state commissions have a youth advisory council?

No, there is no requirement for state commissions to have a Youth Advisory Council. The National and Community Service Act of 1990 (NCSA) requires that commissions have as a member an individual between 16 and 25 years of age who is a participant or supervisor in a program (42 U.S.C. § 12638(c)(1)(H)). The NCSA further authorizes commissions to have, as additional members of the commission, members selected from among out-of-school youth and other at-risk youth, but this is not a requirement (42 U.S.C. § 12638(c)(2)(D)).

E. 3. State commissions funding an in-state program operated by an out-of-state organization

FAQ Number: 000115

May a state commission choose to fund a program in the state that is run by an organization outside of the state?

There is no statutory prohibition on a state funding a program or project whose legal applicant or fiscal agent is located in a different state. The state commission should consider, however, the challenges of monitoring an entity located outside the state, and the ramifications of funding an entity incorporated outside the state. If the commission is considering funding a site of a National Direct, the commission must also ensure that the project it supports with state funds is not the same as the project supported with National Direct funds.

E. 4. Use of commissioners in state peer review processes

FAQ Number: 000201

How many commissioners are allowed to sit on a state commission's grant peer review panel?

The Corporation does not limit the number of commissioners a commission may use on their peer review panels.

E. 5. State commission conflict of interest

FAQ Number: 040219

If a state commission member has a conflict of interest, do the federal regulations restrict participation in all discussions of, hearings and forums on, strategic planning for, and the general administration of the AmeriCorps State (Subtitle C) programs in the state?

AmeriCorps regulations on conflict of interest can be found at [45 CFR 2550.90](#). The commissioner's participation would be restricted by our regulations only to the discussions and decisions relating to the particular funding category in which the program that has caused the conflict is being funded. For example, if the program creating the conflict is a state competitive program, the commissioner should recuse himself from any discussion, oversight, or decisions relating to the competitive portfolio. The commissioner could conceivably participate in all aspects of the formula portfolio, or the education awards portfolio, if that is a separate funding category.

If a state commission member has a conflict of interest, for reasons not defined in §2550.90(a) of the AmeriCorps regulations, do the restrictions in §2550.90(a) apply to that commissioner regardless of the reason for the conflict? (i.e. large donation, founder, etc.).

The federal restrictions described in 45 CFR 2550.90 apply only when a commissioner has a conflict as described in that section. However, a commissioner may be subject to additional conflict of interest rules and restrictions under state law.

May a state commission member who returns to duty in order to achieve a quorum participate in discussions related to their own organization? May they participate in discussions related to other organizations in the same funding category?

No, the regulations specify that such a commissioner may not participate in discussions relating to that organization. He or she may participate in discussions related to other

organizations in the same funding category, but not the organization with which he is affiliated.

Does the founder of a program who also serves as a Commissioner have a conflict of interest if their former program is being considered for a grant? Is there a certain amount of time, which once it has elapsed, removes any conflict of interest?

There is nothing in our regulations or statute to prohibit the activity. The commission can decide whether to ask the commissioner to recuse him or herself from discussion of their former program. The commission still runs the risk of an appearance of bias despite a separation of many years.

E. 6. Composition of state commissions

FAQ Number: 011213

The Corporation's regulations (45 CFR § 2550.50 (b)(7)) require that state commissions include representation from a national service program. Does it matter what stream of service (Senior Corps, AmeriCorps, Learn and Serve) the representative comes from? Should the representative be a member or staff? Does the representative have to be a current member or staff, or may the representative be an alumnus or former staff? And may one person fill more than one of the composition requirements?

This commissioner can come from any stream of service, can be member or staff, and can be alumnus or former staff. One representative may also represent more than one of the composition requirements.

E. 7. State Service Plan FAQs

FAQ Number: 060511

What is a State Service Plan?

A State Service Plan, formerly known as the Unified State Plan, is a state commission's 3-year strategy for coordinating national service and volunteer service activities across all streams of service in the state. Our statute requires a state service plan in order to ensure that all national service and volunteer service entities within a state—state commissions; State Offices; AmeriCorps National programs and other Corporation grantees and stakeholders; State Education Agencies; state networks of volunteer centers; Campus Compacts; and/or other volunteer service organizations within the state—are aware of each other and are coordinating activities. We encourage you to provide enough detail in your plan so that your partners in national service and volunteer service across the nation can learn from your experience.

Our intent in streamlining the State Service Plan procedure is to reduce burden. We appreciate information on how you are communicating, coordinating, and collaborating across streams of service. We look forward to sharing best practices and lessons learned with the assistance of our Office of Leadership Development and Training and through the Corporation's Resource Center (www.cns.gov/resources).

We are particularly interested in any cross-stream activities centered on our four strategic initiatives: mobilizing more volunteers; serving at risk youth and connecting them with

service opportunities; engaging students in communities; and using baby boomers' experience.

What are the components of the State Service Plan?

The State Service Plan should address the following questions:

What are the specific programmatic areas upon which your state is focusing?

Please describe ongoing efforts or special initiatives that involve convening of and/or collaborating with the state commissions; State Offices; AmeriCorps National programs and other Corporation grantees and stakeholders; State Education Agencies; state networks of volunteer centers; Campus Compacts; and/or other volunteer service organizations within the state.

What non-monetary support, such as training and technical assistance, might the Corporation (headquarters and/or your State Office) provide to ensure the success of your state service plan?

Your State Service Plan is not limited to responses to the three questions above, and may also include other elements that you and your service partners find useful.

Will I receive separate funding to support the development of the State Service Plan?

No. The Corporation is no longer able to provide separate, targeted funding to support meetings or other expenses incurred in developing the State Service Plan. You can use funds from your Administrative Grant to support the activities described in your State Service Plan.

How do I submit our State Service Plan?

Starting in 2009, you will submit your State Service Plan as part of your Administrative Grant application or update in November. You will report upon and update your State Service Plan on an annual basis when you update your Administrative grant application.

How will the Corporation review the State Service Plan?

Your program officer will review the plan to ensure it adequately addresses the questions. Does the plan include specific areas of activity for national service and volunteer entities in the state (state commissions; State Offices; AmeriCorps National programs and other Corporation grantees and stakeholders; State Education Agencies; state networks of volunteer centers; Campus Compacts; and/or other volunteer service organizations within the state)?

Does the plan reflect communication, coordination, and/or collaboration among these entities?

Is a request for non-monetary support included?

Your Program Officer will also share your State Service Plan with the Office of Leadership Development and Training, and the Office of Grants Management, in order to integrate support for and monitoring of plan elements.

Does the quality of this plan affect future funding, monitoring, and risk-based assessment or State Standards process evaluation?

No. The quality of the State Service Plan has no bearing on future funding, monitoring, risk-based assessment or State Standards process evaluation.

Will there be non-monetary support for carrying out activities projected in the State Service Plan?

There may be non-monetary support for carrying out activities projected in your plan. Although funds are not currently available to support these activities, the Corporation is committed to assisting and supporting communication, coordination and/or collaboration with non-monetary resources such as training and technical assistance, and to facilitate access to other resources. Your AmeriCorps Program Officer will discuss your needs in detail, coordinate the Corporation's delivery of non-monetary support with the Corporation's Office of Leadership Development and Training, and assist with any additional follow-up.

Does the State Service Plan replace the Unified State Plan that was required in the past?
Yes. The State Service Plan replaces the Unified State Plan that was required in the past.

How often must I submit a State Service Plan?

You must submit a State Service Plan every three years, beginning in 2006.

How is the State Service Plan described in the Statute?

SEC. 178. [42 U.S.C. 12638] State Commissions on National and Community Service
The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

(1) Preparation of a national service plan for the State that--

(A) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from national service programs within the State and other interested members of the public;

(B) covers a 3-year period;

(C) is updated annually;

(D) ensures outreach to diverse community-based agencies that serve underrepresented populations, by--

(i) using established networks, and registries, at the State level; or

(ii) establishing such networks and registries; and

(E) contains such information as the State Commission considers to be appropriate or as the Corporation may require.

What are some examples of communication, coordination and collaboration among national service and national volunteer service organizations?

Coordination and collaboration among service organizations takes place in many states. In one state, State Office staff, the SEA and commission staff participated in a year long strategic planning process which was cited as a best practice during their Administrative Standards visit. In other states, training sessions and workshops are hosted by and open to AmeriCorps State, National, VISTA, and Learn and Serve programs. Some State Office staff members participate in quarterly AmeriCorps State Program Directors training. Other states conduct joint staff retreats and multi-day cross-training conferences, share

interns, post central directories, and use a shared web site to post all Requests for Proposals.

Some states have coordinated SEA subgranting activities under Learn and Serve America (LSA) with other subgranting activities, such as their AmeriCorps or LSA Commission subgranting bidder's conferences, technical assistance meetings or trainings. Many states have planned and run subgrantee meetings that bring AmeriCorps and Learn and Serve subgrantees together for orientation, training and evaluation gatherings.

Some states have also developed opportunities for State Office staff to serve, as non-voting members, on commission committees, and vice versa. In some states, programs are encouraged to coordinate their service projects on National Days of Service, such as Martin Luther King, Jr. Day of Service or National Youth Service Day bringing Learn and Serve students together with boomers, AmeriCorps members and others from the community. Many Commissions, SEAs, Learn and Serve programs, AmeriCorps National programs, and State Offices have found that sharing ideas across streams of service leads to better use of limited resources and increased sustainability.

E. 8. Including commissioners' time as match for the Administrative grant
FAQ Number: 020104

May a state commission include commissioners' time as match for its state administrative grant?

The time a commissioner spends meeting his or her responsibilities as a commissioner cannot be used for match. Commissioners may donate professional or technical services or skilled and unskilled labor as match, if it is properly valued and documented. Examples of professional and technical services include accounting, consulting, training, and legal services.

The regulatory authority on this issue is in 2 CFR 225 Attachment B, Section 12 (b) (1) (former OMB Circular A-87, Attachment B, Section 11(i)).

E. 9. Single State EAPs apply through state commission.
FAQ Number: ASNU-0807

What is the new requirement focusing on a change in the application process for EAPs that operate in a single state? (PU-0608)

1. Which current grantees are affected by this change?

National Education Award Programs (EAPs) operating in a single state will be affected by this change the next time they recompile. There are eight currently funded programs that will be affected, and none of them are recompileing in 2009. All new EAPs competing in 2009 and beyond will also be affected by the change.

2. Will the change in policy affect only brand new applicants, or also recompileing applications?

The new policy affects new and re-completing EAP applicants which operate in a single state.

3. Will commissions be prepared to work with National EAPs?

Commissions will receive training and technical assistance in order to ensure they are prepared to work effectively with EAP programs if they do not already do so.

4. Will the commissions receive additional funding?

No, commissions will not receive additional funding to work with these single-state national EAPs. However, state and national EAP funding is distinct from national, Tribal, and state competitive funding, so states will access a different funding stream.

5. Will the commissions be able to deal with the additional burden? In my state, for example, the commission will have to manage at least 400 additional slots.

We expect that state commissions will find it advantageous to work with EAPs. Many of them support this policy change and have been challenged by a lack of connection with large EAPs in their states in the past. Most already have the capacity to manage additional slots. EAP programs also reduce the commissions overall cost per MSY allowing them greater grant making flexibility.

6. How will this work logistically? Will single state EAPs automatically be considered for competitive funds, or will the commissions conduct a separate competition for EAPs?

You will apply through a separate EAP NOFA in eGrants that the state commission will open if they plan to conduct an EAP competition.

7. In my state the National EAP and regular state competition is off cycle. Their cycle starts next year for three years, while our program is in Year 1 of a three year grant. How will the commission handle this?

We will address this issue in facilitated discussions with you and your state commission.

8. Will the application be the same as it has been?

Although different state commissions have slightly different processes, they typically use the same data collection instrument that you have been using.

9. In my state, the commission has a very different application process which is more stringent than the national application process (i.e. it is a two step process and they require three aligned performance measures). Will we have to comply with these new requirements?

This will be one topic for discussions that we will facilitate.

10. What about audits and procurement rules? Will we have to comply with the often more stringent state audit requirements and state procurement rules?

As a competitive fixed cost grant, the EAP program may or may not be subject to these standards. We will work with you and the commission to figure out what waivers and adjustments make the most sense for EAPs in their state.

11. We currently have a very productive relationship with other EAPs across the country. Will the Corporation continue to offer assistance with this affinity group?

Yes, the higher education and other affinity groups will continue to meet and serve as resources for one another.

12. We have developed a productive relationship with our Corporation program officer. How will we be assigned program officers at the commission level?

We will be arranging conference calls to ease the transition in each of the affected states. National program staff will connect with their state counterparts to make sure the transition is effective. National staff will also use the national conference as an opportunity to connect you with their state counterparts.

13. What is the timeline for this change to take place?

The change will be reflected in the Notice of Federal Funding Opportunity and the Application Instructions for 2009. We will be conducting conversations on the topic starting this summer, to the January 13 deadline, or until all issues are addressed.

14. Additional questions? Contact your Program Officer and copy aborgstrom@cns.gov.

F. Financial Management

F. 1. Approval of pre-award costs

FAQ Number: 030806

What is the Corporation policy regarding pre-award costs?

A grantee may be reimbursed for pre-award costs only if they are incurred with the written approval of the Corporation's Office of Grants Management. To request such approval, the grantee sends a request to their Corporation grants officer and their program officer. The request includes a brief justification for the costs to be incurred and indicates the desired effective date. The Office of Grants Management will issue a letter authorizing or denying the pre-award costs within three business days.

The Corporation is prepared to approve, where appropriate, the following types of pre-award costs: personnel expense and benefits, travel for staff and prospective members, equipment, supplies, contractual and consultant service, training for staff and prospective members, evaluation, and other program operating costs.

Because the Strengthen AmeriCorps Program Act specifically indicates that a national service position is approved when the Corporation issues a grant award, the Corporation cannot approve member living allowances and support costs, including FICA, workers'

compensation, health care, and child care, as pre-award costs. Approval of pre-award costs does not authorize a grantee or sub-grantee to have AmeriCorps members begin serving. AmeriCorps members may only begin service after a grant award has been issued and may not count any hours served prior to the award being issued as part of their term of service.

All pre-award costs are incurred at the grantee's risk. The Corporation is under no obligation to reimburse a grantee for these costs if the grantee does not receive an award or if the award is less than anticipated and inadequate to cover such costs.

F. 2. Varying salary rate for employee based on duties

FAQ Number: 990111

Can a salary rate charged to a grant for one individual vary according to duties?

While such a situation is highly unusual, if an individual occupies two positions, each on a part-time basis that are established at different salary levels, the individual meets the qualifications for both positions, and the time spent in each position is adequately documented and approved, then it is possible to charge two different salary levels for the same individual. This situation should be clearly explained in the budget narrative and discussed with the Corporation grants officer to ensure approval.

F. 3. Bonding requirements for fiscal agents

FAQ Number: 990111

Is a fiscal agent required to be bonded?

Fiscal agents are not required to be bonded, however, good financial practices include bonding in order to minimize risk and liability.

F. 4. Allowability of cost of fundraising event

FAQ Number: 990111

Is the cost to attend a dinner or fundraising event sponsored by a grantee (e.g., \$40 per ticket) an allowable cost for a Commission or National ED?

No. Meals or tickets are considered either entertainment or fundraising and are not allowable costs under the cost principles. The cost of meals is generally allowable in the context of travel only and if the cost is consistent with the organization's travel or per diem policy. See also 990111 FMS Allowability of Meal Costs for Grantee Staff.

F. 5. Allowability of meal costs for grantee staff

FAQ Number: 990111

May the cost of meals for a staff member only be charged to the grant as a direct cost when the staff member is on travel? For example, when staff members work late, can the cost of dinner be charged to the grant? Or can grant funds be used to purchase lunch for staff when a staff meeting goes from 9 a.m. to 3 p.m.?

Meals for staff while they are on travel is an allowable cost. Otherwise meals are not generally an allowable cost. Generally, under OMB Cost Principles at [2 CFR 215](#) and [225](#) (formerly Circulars A-87 and A-110), the grantee cannot charge meals for staff working late or lunch for staff working through normal lunch period. One recognized exception in the Cost Principles is for staff attending a conference or training activity that

includes meals during a working session/activity. See also 990111 FMS Allowability of Cost of Fundraising Event.

F. 6. Determining the interest rate for excess cash advances

FAQ Number: 990111

Who determines the interest rate for excess cash advances, and how is it determined? Grantees should not draw funds in excess of their needs and thus, should not have excess cash advances according to [2 CFR 215](#) (formerly OMB Circular A-110) and OMB Circular A-102. This regulation and circular establish the conditions under which grant recipients must place advanced federal funds in interest bearing accounts in accordance with the Cash Management Improvement Act (31 CFR § 205). The Grantee may retain interest amounts up to \$250 per year. Interest earned in excess of \$250 must be reimbursed annually based on the rates in the interest bearing accounts. Excess funds not placed in an interest bearing account could be subject to the interest rates published in the federal register semi-annually by the U.S. Department of Treasury. See also 990111 FMS Depositing Grant Funds in Interest-Bearing Account.

F. 7. Use of Corporation grant funds to support the AmeriCorps Alumni Association

FAQ Number: 060414

What is the guidance regarding the use of Corporation grant funds to use AmeriCorps Alumni Association (AAA)

PDAT funds are available to state commissions for enhancing and sustaining high quality AmeriCorps State and National Programs. To the extent that AAA provides training and technical assistance that meets the state commission's goals and is consistent with the financial requirements of PDAT, using AAA staff as training providers is an allowable expense. Likewise, to the extent that the state commission has chosen to provide scholarships for program staff and members to attend conferences that it deems appropriate, providing scholarships for program staff and members to attend the annual AAA conference would also be an allowable expense. PDAT funds may not be used to cover membership costs for members or recent alums to join AAA.

Administrative funds are available to state commissions to support their operation. In general, these funds may not be used to cover individual memberships in associations. However, the OMB cost principles generally assume individuals are employees of the organization. AmeriCorps members are not employees. Therefore, a member's individual membership in an organization can be an allowable expense if the benefits derived from that membership are consistent with the program's and the individual member's development objectives. If a state commission decides that memberships are consistent with their overall objectives, then using Administrative grant funds to pay for membership in AAA would be an allowable expense.

State commissions may choose to allow subgrantees to pay AAA costs for their current members. If you choose to allow your subgrantees to include such costs in their grant budgets, you will need to ensure that membership in AAA meets specific objectives

under the grant. If you choose to allow the costs, instruct your subgrantees to include them in Section I, Part G-2 of the budget, Member Training.

In no case may the fees paid to AAA be used to support lobbying.

F. 8. Timing and requests for no-cost extensions

FAQ Number: 010810

How and when are we to apply for no-cost extensions to the grant period?

Unless otherwise specified, Corporation for National Service grants are issued for a three-year project period (36 months). Within this three-year period, incremental funding is provided each year, which provides funding for each 12-month budget period.

Programs must apply for a one-time no-cost extension before the end of the three-year project period.

According to [45 CFR § 2543.25](#), the Corporation can authorize a one-time extension for up to 12 months. If a grantee determines that it will not be able to complete its project before the end of the three-year project period, the grantee must request an extension in writing with supporting reasons and the revised expiration date to the assigned program officer, with a cc: to the grants officer. The program officer will initiate the amendment, which will go through a certification process that could take up to ten business days. For more information on this subject please see the Grant Provisions or call your program officer.

F. 9. Enrolling members during a no-cost extension

FAQ Number: 071011

If we have slots available, may we enroll additional members during the period of a no-cost extension?

No, you may not enroll new members during the period of a no-cost extension. The no-cost extension is available only to allow existing members to complete their service.

F. 10. Record Retention policy

FAQ Number: 050421

How long are programs required to retain grant records?

In general, you must keep all records for a period of three years from the date you submit the final financial status report for the three-year project period, or in the case of EAPs, the final project report. If an audit is started before the expiration of the three-year period, the records must be retained until the audit findings involving the records have been resolved and final action taken. More details are available in [45 CFR § 2541.420](#).

F. 11. Program Income

FAQ Number:

What are the requirements for accounting for program income?

FAQs regarding program income can be found [here](#).

G. Education Awards

G. 1. Post-service Education Awards

FAQ Number: 07 Prov. IV. J.

What must a member do to receive an education award?

In order to receive a full education award, a member must perform the minimum hours of service as required by the Corporation and successfully complete the program requirements as defined by the Program. For example, if successful completion of a full-time program requires 1,800 service hours, members in that particular program are not eligible for an education award simply upon completion of 1,700 hours. If a member is released from a Program for compelling personal circumstances, the member is eligible for a pro-rated education award based on the number of hours served, if it is at least 15% of the total required hours. Questions regarding authorized uses of the education award should be directed to the Corporation's National Service Trust Office.

G. 2. Conditions for receiving an education award

FAQ Number: 070807

Can a program exit a member who completed all their hours, but deduct funds from the education award, because the member did not complete all the requirements clearly stated in the contract?

No, a program cannot reduce the education award in this manner. The education award is a benefit awarded for completing a term of service, regardless of the quality of that service. Since these members are not being released for compelling personal circumstances, a pro-rated award is not an option. . Reference: 42 USC 12603

G. 3. Using an education award to pay off a parent's student loan

FAQ Number: 070129

May the education award be used to pay a "Parent's Plus" student loan that a parent has taken out in order to pay the tuition of a child?

No, the education award may not be used to pay off a parent's student loan. You can find a list of qualified student loans [here](#).

G. 4. Federal income tax on education awards

FAQ Number: 980405

Does the education award count as income for the purposes of calculating income tax?

The Internal Revenue Service has ruled that the AmeriCorps education award is not excludable from income as (1) a scholarship under section 117(a) of the Internal Revenue Code or (2) a qualified educational assistance program under section 127(b) of the Code.

G. 5. Timing for Use of Education Award

FAQ Number: 080721

May a member use his/her education award to pay for school tuition incurred before the member begins his/her service?

No. A member can pay back student loans accrued before they start service but not tuition or any other kind of school expenses (books, etc.).

G. 6. College Cost Reduction and Access Act of 2008

FAQ Number: ASNU-0807

What is the College Cost Reduction and Access Act of 2008

The College Cost Reduction and Access Act of 2007 (CCRAA) was signed into law in September of 2007. It may offer AmeriCorps members significant benefits. The Act has two provisions with implications for members: the Income-based Repayment Plan (IBR) and the Public Service Loan Forgiveness Program.

The IBR Plan will make it easier for AmeriCorps members to pay back student loans while serving. Members who meet IBR's debt-to-income ratio threshold specified in the CCRAA will be able to make payments as low as \$0 a month while serving in AmeriCorps.

CCRAA FAQs can be found [here](#). In addition, you may find the following web sites helpful in learning more about IBR and Public Service Loan Forgiveness: [Department of Education](#), [Equal Justice Works](#), [National Association of Student Financial Aid Administrators](#), [FinAid.org](#), [EdFund.org](#), [Federal Student Aid](#), [IBR Info](#), [Student Loan Borrower Assistance](#)