



Office of Faith-Based and Community Initiatives

Mitchell E. Daniels, Jr., *Governor* • Paula Parker-Sawyers, *Executive Director*

COMMUNICATION 2007-P-01

TO: AmeriCorps*State Sub-Grantee Organizations
FROM: Paula Parker-Sawyers
CC: Agency Operations Manual (2007)
DATE: August 9, 2007
SUBJECT: **Member Suspensions**

PURPOSE

To clarify expectations regarding the suspension of members from their AmeriCorps*State term of service.

EFFECTIVE DATE

September 1, 2007

SCOPE

This communication applies to all AmeriCorps*State sub-grantee organizations.

RECESSION

None.

STATEMENT OF POLICY

A. Definitions.

Compelling Personal Circumstances reference the reasons a member may be exited from the program and be eligible for a pro-rated education award if the member has completed at least 15% of his/her service hours. Compelling personal circumstances include items A.(1) and A.(2) as noted below. Compelling personal circumstances do not include the reasons listed in A.(3).

- (1) Those that are beyond the member's control, such as, but not limited to:
 - a. A member's disability or serious illness;
 - b. Disability, serious illness, or death of a member's family member if this makes completing a term unreasonably difficult or impossible; or

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- c. Conditions attributable to the program or otherwise unforeseeable and beyond the member's control, such as a natural disaster, a strike, relocation of a spouse, or the nonrenewal or premature closing of a project or program, that make completing a term unreasonably difficult or impossible;
- (2) Those that the Corporation, has for public policy reasons, determined as such, including:
- a. Military service obligations;
 - b. Acceptance by a member of an opportunity to make the transition from welfare to work; or
 - c. Acceptance of an employment opportunity by a member serving in a program that includes in its approved objectives the promotion of employment among its members.
- (3) Compelling personal circumstances **do not** include leaving a program:
- a. To enroll in school;
 - b. To obtain employment, other than in moving from welfare to work or in leaving a program that includes in its approved objectives the promotion of employment among its members; or
 - c. Because of dissatisfaction with the program.

Sub-grantee means the host organization with legal and fiscal responsibilities for an AmeriCorps*State formula or competitive program and its members.

Suspended refers to an AmeriCorps*State member in which the member is removed from active service. The period of suspension does not count toward the member's required service hours and no hours may accumulate. A living allowance may not be received during the period of suspension.

Reinstated refers to a member that has been removed from suspension.

B. Suspension for Compelling Personal Circumstances

- (1) If a member is suspended for compelling personal circumstances, the member's term of service may be suspended up to two years (or longer if approved by the Corporation for National and Community Service based on extenuating circumstances) to allow the participant to complete service with the same or similar AmeriCorps program at a later time.
- a. If the member does not wish to return to service, the member may exit the AmeriCorps*State program with a pro-rated award based on the percentage of service hours completed if the member has completed at least 15% of his/her hours.
 - i. If the member has not completed 15% of his/her service hours, the term of service would not count towards the number of allowable terms of service one individual may serve.
 - b. If a member is reinstated (during the same grant year) to the sub-grantee's program after being suspended for compelling personal circumstances, the length of the suspension is added on to the end of the term of service. The member then has that additional time to finish his or her term of service.
 - i. If the reinstated service period's time frame extends beyond the end date of the sub-grantee's grant agreement with the Office of Faith-Based and Community Initiatives, there are two options:
 - 1. The sub-grantee may request a one-time, no-cost extension ending at the time of the end date of the member's reinstatement end date.

2. The member may transfer to a different sub-grantee's AmeriCorps*State program to finish his/her service, so long as the different program is willing to place the member in one of their awarded slots.
- c. If the member is suspended for compelling personal circumstances at the end of the sub-grantee's grant period, the member has two options:
- i. Exit the program with a pro-rated award if the member has completed more than 15% of his/her service hours.
 1. If the member has not yet completed 15% of the service hours, the member will be exited and the service will not count towards one of the allowable number of terms of national service.
 - ii. Remain suspended in the program (in accordance with B.(1). above).
 1. If this option is selected, the sub-grantee has the following options:
 - (a) Request a one-time, no-cost extension of up to twelve (12) months if it is sure that the member will return and complete his/her service hours before the extension expires.
 - (b) Close out the grant year if there is any question about whether the member would be able to return and complete his/her hours before the extension expires.
 - (i). The member will still have two years from the date of his/her suspension to finish out his/her term of service; however, he/she will not be able to return to his/her same *slot*. The member may return to the same *program*, but it would be using a *new* slot.
 - (ii). The member may also finish his/her service with a different sub-grantee's AmeriCorps*State program, so long as the different program is willing to place the member in one of their awarded slots.

C. Suspension for Non-Criminal Disciplinary Reasons

- (4) If a member is suspended for disciplinary reasons, the length of the suspension may not be added on to the end of the member's term of service.
- (5) The sub-grantee must establish a written policy clarifying its usage of suspension for disciplinary reasons, including reinstatement criteria.
 - a. The sub-grantee must take into consideration item C.(1). when creating its policy. For example, if a member is suspended for two weeks within the first quarter of his/her term, it is feasible that the member would be able to make up the hours missed during the suspension over the remainder of his/her term of service. A member suspended for two weeks within the last month of service may not feasibly have the ability to make up the hours missed during the period of suspension.

D. Suspension for Criminal Charges

- (1) 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.

- a. The member may be reinstated into AmeriCorps service if he/she is found not guilty or if the charge is dismissed.
 - i. 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% of his/her service.
- b. 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.

REFERENCES AND PRECEDENCE

A. References.

Code of Federal Regulations
45 CFR § 2522.230
AmeriCorps Special and General Provisions

B. Precedence.

Should there be any inconsistency between the United States and Indiana Codes, Indiana Executive Orders, U.S. and Indiana Administrative Codes, and this internal policy the order of precedence that will prevail is (1) United States and Indiana Codes; (2) AmeriCorps General Provisions; (3) AmeriCorps Special Provisions; (4) this internal policy.

INTERPRETATION

The OFBCI executive director shall have the sole authority to interpret the provisions set forth in this policy.

APPROVAL:



Paula Parker-Sawyers, Executive Director

August 9, 2007

Date