



OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: TED 03-00-002

EFFECTIVE DATE: 9/25/2008

SUBJECT: Administering OSHA Discretionary Grant Programs

ABSTRACT

- Purpose:** This instruction establishes program procedures and responsibilities for the OSHA discretionary grant programs administered by the Directorate of Training and Education.
- Scope:** This instruction applies to all Regional Office and National Office elements directly or indirectly engaged in the programmatic operations of the OSHA discretionary grant programs.
- References:** See References in Section III of Directive.
- Cancellations:** OSHA Instruction TED 03-00-001, Administering OSHA Discretionary Grant Programs, July 16, 1997.
- State Impact:** This Instruction does not apply to State Plan States or the On-site Consultation Program.
- Action Offices:** National and Regional Offices.
- Originating Office:** Directorate of Training and Education.
- Contact:** Director, Directorate of Training and Education.

By and Under the Authority of

Edwin G. Foulke, Jr.
Assistant Secretary

Executive Summary

Since 1978, OSHA has had a number of discretionary grant programs. Grants are awarded to nonprofit organizations on a competitive basis to provide training and educational programs for employers and employees on the recognition, avoidance, and prevention of safety and health hazards in their workplaces. OSHA selects the safety and health topics and holds a national competition to award grants. The program administration of the discretionary grant programs is a shared responsibility of the Regional and National Offices. This instruction establishes program procedures and guidance for OSHA discretionary grant programs administered by the Directorate of Training and Education.

Significant Changes

This Instruction has been revised to update references to Department of Labor regulations and OMB Circulars. This Instruction expands upon information relating to programs monitoring, grant application review, funding, forms, grant modifications, grant terminations, and grant closeouts. Note that financial monitoring procedures are contained in OSHA Instruction FIN 02-00-003, Financial and Administrative Monitoring of OSHA Grants and Cooperative Agreements, effective October 13, 2003. Changes to this Instruction include:

- Information regarding the electronic submittal of grant applications and reporting requirements.
- Information regarding grant responsibilities administered by the Regional Offices, the Directorate of Training and Education, and the Directorate of Administrative Programs.
- Appendix A, Sample Checklist for Program Monitoring Visits has been added to provide guidance to grant monitoring staff accountable for program monitoring visits.
- Appendix B, Sample Checklist for Training Observation Visits has been added to provide guidance to grant monitoring staff responsible for training observation visits.

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Administering OSHA Discretionary Grant Programs

- I. Purpose. This instruction establishes program procedures and responsibilities for the OSHA discretionary grant programs administered by the OSHA Directorate of Training and Education.
- II. Scope. This instruction applies to all Regional Office and National Office elements engaged in the programmatic operations of OSHA discretionary grant programs.
- III. References. The following documents are applicable to OSHA discretionary grant programs.
 - A. Title 2 CFR, Part 220, Cost Principles for Educational Institutions (OMB Circular A-21).
 - B. Title 2 CFR, Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110); codified by the Department of Labor at 29 CFR Part 95.
 - C. Title 2 CFR, Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122).
 - D. Title 29 CFR, Part 93, New Restrictions on Lobbying.
 - E. Title 29 CFR, Part 95, Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations under the Jurisdiction of Foreign Governments, and International Organizations, July 27, 1994, amended July 9, 2007.
 - F. Title 29 CFR, Part 98, Government-wide Debarment and Suspension (Nonprocurement) and Subpart F, Government-wide Requirements for Drug-Free Workplace (Grants).
 - G. OSHA Instruction ADM 03-01-002 (ADM 12-7.2A), Regional and Area Office Records Disposition, July 30, 1980, amended March 14, 1988.
 - H. OSHA Instruction ADM 03-01-003 (ADM 12-7.3), National Office Records Disposition Schedule, July 31, 1980.
 - I. OSHA Instruction FIN 02-00-003, Financial and Administrative Monitoring of OSHA Grants and Cooperative Agreements, October 17, 2003.

- IV. Cancellation. OSHA Instruction TED 03-00-001, Administering OSHA Discretionary Grant Programs, July 16, 1997, is canceled.
- V. Action. Regional Administrators, the Director of the Directorate of Training and Education, and the Director of the Directorate of Administrative Programs shall ensure that grant programs are administered in accordance with this instruction.
- VI. Background. Since 1978, OSHA has had a number of discretionary grant programs. This instruction has been revised to update references to Department of Labor regulations and OMB Circulars, and to provide information regarding the electronic submittal of applications and reporting requirements. In addition to program monitoring, it covers grant application review, funding, forms, grant modifications, grant terminations, and grant closeouts. Note that financial monitoring procedures are contained in OSHA Instruction FIN 02-00-003, Financial and Administrative Monitoring of OSHA Grants and Cooperative Agreements, October 17, 2003.
- VII. Responsibilities. The program administrative responsibilities of the discretionary grant programs are a shared responsibility of Regional and National Offices.
- A. Regional Offices. Regional Offices shall support the grant programs by administering the day-to-day grant operations for grantee organizations located within their Region. Each Regional Administrator shall assume responsibility for individual grants in their Region in accordance with this instruction. Administration can include, but is not limited to:
1. Reviewing and evaluating new and renewal grant applications submitted by organizations within their Region and making recommendations to the Directorate of Training and Education regarding grant award nominations, and serving on review panels as needed.
 2. Preparing required grant reports and other documents including grant modifications, terminations, closeouts, and quarterly program progress reports and submitting copies to the Directorate of Training and Education on a timely basis.
 3. Ensuring the receipt of grantee quarterly program and financial progress reports on a timely basis.
 4. Conducting grant program monitoring activities including on-site visits, reviewing and evaluating quarterly grantee progress reports against the grantee's planned vs. actual activities, auditing training courses, and recommending corrective actions to grantees when needed.
 5. Conducting on-site financial monitoring visits and reporting any findings to the Directorate of Administrative Programs in accordance with FIN 02-00-003, Financial and Administrative Monitoring of OSHA Grants and Cooperative Agreements, October 17, 2003.

6. Conducting on-site program monitoring visits and training observations and reporting any findings to the Directorate of Training and Education. Submitting grantee monitoring reports, grantee responses to monitoring findings, quarterly progress reports, and reports on corrective actions and outcomes to the Directorate of Training and Education.
7. Reviewing grantee materials, including existing products and grantee-produced products, to ensure technical accuracy, unbiased information, and compliance with copyright laws. Working with grantees to make any needed revisions to the materials.
8. Ensuring the receipt of two hard copies and two electronic copies (CD-ROM or DVD) of the final training materials and other products developed by the grantee with grant funds. Regional Offices shall retain one set of the materials and submit one set to the Directorate of Training and Education.

B. Directorate of Training and Education. The Director of the Directorate of Training and Education is responsible for the management of the grant solicitation process, for the program aspects of the grant programs and grant awards, and for the oversight of the grant programs elements. Responsibilities include:

1. Managing the grant solicitation process including verifying the grant programs funding level, developing a list of training topics, and obtaining approval for fund utilization and training topics from the Assistant Secretary.
2. Developing and publishing the *Federal Register* notice and solicitation for grant applications; facilitating the posting of the program announcement, synopsis, and application package on www.grants.gov; coordinating the publication of a National News Release; and updating the grant web page.
3. Developing grant application review policies, procedures, and timelines and coordinating the review and evaluation of grant applications.
4. Developing a grant briefing book and presenting a grant briefing to the Assistant Secretary.
5. Implementing the notification process upon the Assistant Secretary's selection of grant awards. This includes:
 - a. Preparing briefing materials
 - b. Preparing funding award letters

- c. Preparing congratulations letters for Assistant Secretary's signature
 - d. Preparing Congressional notification documents
 - e. Facilitating a National News Release
 - e. Preparing letters of regret to unsuccessful applicants
 - f. Updating the grant web page to reflect grant awards
 - g. Responding to requests from applicants for grant panel reviewer comments.
6. Conducting program oversight of the grant programs and providing guidance and direction on current reporting requirements to Regional Offices.
7. Developing meeting materials and conducting a grantee orientation meeting for new grantees regarding the grant program requirements and regulations.
8. Establishing and maintaining grant files for each award. Documents will include:
- a. Grant application
 - b. Funding documents
 - c. Grant modification documents
 - d. Quarterly progress reports
 - e. Monitoring reports
 - f. Closeout report
 - g. Other relevant correspondence
- C. Directorate of Administrative Programs. The Director of the Directorate of Administrative Programs is responsible for the financial aspects of the grant programs and awards, and for the financial oversight of the grants. Note that financial monitoring procedures are contained in OSHA Instruction FIN 02-00-003 Financial and Administrative Monitoring of OSHA Grants and Cooperative Agreements, effective October 13, 2003. Responsibilities include:

1. Determining the final fiscal appropriation amount available for grant awards.
2. Posting the *Federal Register* grant solicitation announcement, synopsis, and grant application package on www.grants.gov.
3. Coordinating with the Directorate of Training and Education in the preparation and processing of the grant award funding documents.
4. Establishing Payment Management System accounts, issuing grant award identification numbers, and issuing passwords and PIN numbers to the new grantees.
5. Conducting financial oversight of the grant programs and providing guidance and direction to Regional Offices.

VIII. General Procedures.

A. Grant Application Review and Funding. Grant applications shall be submitted for new or renewal grants in accordance with instructions issued by the Directorate of Training and Education. These instructions shall be issued annually for each discretionary grant program.

1. Review of New Grant Applications. Applications for new grants are competitive. Once applications for new grants have been submitted electronically via www.grants.gov and provided to OSHA through the Department of Labor (DOL) E-Grants system, staff shall not discuss these applications with anyone except other reviewers and/or grant decision-makers until grant awards are formally announced. Staff shall not solicit revisions or clarifications to applications. However, unsolicited revisions submitted by applicants shall be accepted and considered in the review process if they are received electronically via www.grants.gov before the application deadline.

The application due date is specified in the *Federal Register* Notice. All applications are submitted to Grants.gov and transferred to DOL E-Grants for access by DOL staff. Any application received after the due date will be rejected by Grants.gov with an automated e-mail notification sent to the applicant.

Regional Offices shall access each application submitted by organizations located within their Region through DOL E-Grants. The Regional Office shall submit written comments and recommendations concerning the applications for the review panel to include in its evaluation and rating in accordance with established deadlines.

Grant applications shall be evaluated by review panel(s). Panel members may include Regional program and financial grant monitors, Directorate of Training and Education staff, and National Office technical staff. The Directorate of Training and Education shall request Regional and National Office participation and select a site for the review panel meeting. The review panel shall evaluate and rate the applications. The Directorate of Training and Education will prepare grant briefing documents for presentation to the Assistant Secretary.

Before the evaluations and ratings are presented to the Assistant Secretary, the Directorate of Training and Education shall discuss the evaluations with the respective Regional Offices to resolve any discrepancies in the recommendations.

Grant review comments shall be shared with applicants upon request. The Directorate of Training and Education shall respond to all written requests from applicants for copies of their own evaluation documents.

2. Review of Renewal Grant Applications. A renewal grant is a subsequent year grant awarded to a grantee that competed for a new grant in a prior year. Applications for renewal grants are not competitive. The review of these applications considers past performance of the grantee and the grantee's plans for the renewal grant period. Staff may discuss these applications with grantees and may contact grantees for revisions and clarifications. Such revisions and clarifications shall be included in the renewal application package and considered in the review process.

Renewal applications shall be submitted through the Grants.gov system by the application due date. Regional Offices will review the renewal applications and submit written comments and recommendations to the Directorate of Training and Education in accordance with established deadlines.

3. Grant Review Guidelines. Both new applications and renewal applications shall be reviewed against grant review guidelines provided by the Directorate of Training and Education.
4. Notification of Grant Award. All applicants shall be notified in writing regarding the success of their applications. Successful applicants shall receive a notification letter and funding documents from the Directorate of Administrative Programs and a congratulatory letter signed by the Assistant Secretary. Those applicants that were not successful shall be notified in writing by the Directorate of Training and Education.

The Directorate of Training and Education shall notify Regional Administrators of grant funding decisions either verbally or in writing. The Regional Office shall contact the new grantees in their region within three weeks of the beginning of the new grant period. Regional Office staff must introduce themselves to the new grantee and provide a brief overview of what to expect during the first few months of the grant period. Topics of discussion may include:

- a. Regional grant staff contact information.
- b. Orientation meeting information.
- c. Grant funding procedures.
- d. Confirming planned quarterly training numbers in the workplan.
- e. Corrections or modifications to the grant application, if necessary.

5. Application Revisions. When possible, Regional Offices should inform grantees as soon as the award is made of necessary changes to the grant application so that it reflects the correct funding level and meets any other conditions that may have been imposed. Regional Office staff shall keep in contact with the grantees during the revision process to ensure that the revisions, when received, will be acceptable. These revisions shall be completed within 30 days of the award notice.

Regional Offices shall review revisions to grant applications to ensure that budgets correspond to grant awards and that all conditions have been met. Once the revisions are acceptable, Regional Offices shall submit an approval memorandum to the Director of the Directorate of Training and Education and attach a copy of the revisions. A copy of the memorandum and revisions shall also be sent to the Director of the Directorate of Administrative Programs. A separate memorandum must accompany each individual grantee application revision.

6. Grant Execution. The Directorate of Training and Education shall review the revisions submitted by the Region to ensure that they are complete and accurate. Following review, the Directorate of Training and Education shall prepare a grant award letter addressed to the grantee and submit it to the Directorate of Administrative Programs.

The Directorate of Administrative Programs shall submit the grant award letter to the Director of Administrative Programs for signature. Following signature, the Directorate of Administrative Programs shall distribute copies.

7. Forms and Regulatory Requirements. There are specific forms, assurances and certifications that are required by Departmental regulations to be completed by grant applicants in all discretionary grant applications, whether new or renewal. These forms are available on the Grants.gov web site. These forms are:
 - a. Standard Form 424 (SF 424), Application for Federal Assistance, shall be used as a face sheet for all grant applications. This form shall also be used for grant revisions and modifications.
 - b. Standard Form 424A (SF 424A), Budget Information -- Non-Construction Programs, is the budget form that shall be used by all applicants and grantees. This form shall be used in all grant revisions and modifications that involve budget changes.
 - c. Standard Form 424B (SF 424B), Assurances -- Non-Construction Programs, is the assurances form that shall be used by all applicants and grantees. Publicly funded educational institutions shall use this form. It is not necessary to include this form in grant revisions and modifications.
 - d. ED 80-0013, Combined Assurances, is a form that shall be completed by all applicants and grantees. It includes Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace requirements. It is not necessary to include this form in grant revisions and modifications.
 - e. Survey on Ensuring Equal Opportunity for Applicants (Faith-Based EEO Survey). Note that this form is voluntary but all applicants and grantees are requested to complete it. It is not necessary to include this form in grant revisions and modifications.

B. Grant Modifications. Modifications are actions taken to alter or amend grant documents. Current grants may be modified at any time. Closed grants may only be modified when there is an audit exception or at the discretion of the Director of the Directorate of Administrative Programs.

1. Requirements. The following changes to an approved grant require written modifications:
 - a. Any change in the approved scope or objectives of the grant even if there is no associated budget revision requiring prior written approval.
 - b. Any change in a key person specified in the application or award document. A key person is defined as the certifying representative,

the project director, or any staff member who devotes 50% or more of their time working on the grant project.

- c. The absence for more than three months or a 25% reduction in time devoted to the project by the approved project director.
- d. Any change in the total federal cost.
- e. Any change in the total non-federal cost.
- f. The transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa.
- g. For grants over \$100,000, OSHA may restrict the transfer of more than 10% of the total grant award among direct cost categories or programs, functions and activities.
- h. For all grant awards, unless described in the application and funded in the approved award, it is not allowable to sub-award, transfer or contract out any work under the awards.

This provision does not apply to the purchase of supplies, material, equipment or general support services.

- 2. Extensions. Grantees may request a one-time extension of the expiration date of the award for up to 12 months. Requests should be submitted to the Regional Administrator in writing at least 30 days before the grant expiration date. Extension requests must include appropriate justification for the additional time being requested, a quarterly work plan, and quarterly planned training numbers revised to reflect the entire grant period. The total planned training numbers should not be less than originally projected. The Regional Office must forward the request to the Director of the Directorate of Training and Education for approval.
- 3. Procedures. The following procedures must be followed when submitting grant modifications.
 - a. When there is a change in the grant that requires a modification, the grantee shall request the change in writing on their letterhead to the Regional Administrator, attaching proposed grant budget and/or grant narrative changes.
 - b. Regional Office staff shall review the request and recommend approval or disapproval to the Regional Administrator.

- c. If the Regional Administrator recommends approval, two original signature copies of the OSHA Grant Agreement Amendment Form 113 will be obtained from the grantee. A memorandum from the Region recommending approval of the modification, along with a copy of the grantee's written request with supporting documents, and copies of the two original signature versions of OSHA Grant Agreement Amendment Form 113 shall be sent to the Director of the Directorate of Training and Education. A copy of the memorandum and attachments shall be sent to the Director of the Directorate of Administrative Programs with the two original signature versions of Form 113.
 - d. The Directorate of Training and Education and the Directorate of Administrative Programs shall review the documents and any questions regarding a modification may be referred back to the Regional Office for clarification. If approved, the Directorate of Training and Education shall prepare and send the modification approval letter to the Directorate of Administrative Programs. If the request is disapproved, the Regional Office shall be notified by telephone, with a written confirmation to follow.
 - e. The Directorate of Administrative Programs shall submit the modification approval letter and two original signature versions of OSHA Grant Agreement Amendment Form 113 to the Director of the Directorate of Administrative Programs for signature. Following signature, the Directorate of Administrative Programs shall distribute copies to the Directorate of Training and Education, the requesting Regional Office, and the grantee.
 - f. If the recommendation is disapproved, the Regional Administrator shall notify the grantee in writing of the disapproval and the reasons for the disapproval.
4. Timeframes. Regional Offices shall review grantee justifications for modifications and process all necessary requests in advance of the termination date of the grant.

All modifications shall be acted upon within 30 calendar days of receipt of the request on grantee letterhead and two original signature versions of OSHA Grant Agreement Amendment Form 113 in the Regional Office.

- C. Grant Termination. If a grantee is not performing in accordance with the terms of the grant agreement and does not successfully implement corrective action, the Regional Administrator may terminate the grant. Before beginning grant termination procedures, the Regional Administrator shall consult with the Director of the Directorate of Training and Education and the Director of the

Directorate of Administrative Programs. After consultation, if it is agreed to terminate the grant, the Regional Administrator shall follow the procedures for termination found in 29 CFR 95.61.

- D. Grant Payments. Grant recipients receive grant funds electronically through the Department of Health and Human Services Payment Management System (DHHS-PMS). Funds are deposited into the grantee's designated bank account.
- E. Grant Programs Monitoring. Monitoring is the process whereby OSHA staff keeps informed of grantee progress in meeting approved workplans and assures that activities are allowable. Monitoring is done through on-site program and financial visits, training observation visits, and through analysis of grantee quarterly reports.

The Regional program and fiscal monitors may conduct their monitoring visits at the same time. Within 30 days following each on-site visit, a report shall be prepared that summarizes the monitoring visit in accordance with guidance provided in Section E.9., On-Site Visit Report. The report shall be sent to the grantee with a copy sent to the Director of the Directorate of Training and Education. If the Regional program and fiscal monitors conduct their monitoring visits at the same time, they may send both on-site reports to the grantee and to the Director of the Directorate of Training and Education and to the Director of the Directorate of Administrative Programs under the same cover letter.

- 1. Frequency and Notification of Visits. Regional Office program staff shall visit grantees including conducting an orientation meeting if the grantee did not attend the national meeting, a program monitoring visit, and a training observation visit. Information on the frequency of visits is provided in Items 2, 3, 4, and 5 of this Section. The Regional Administrator shall notify the grantee of the visit as appropriate.
- 2. Orientation Meeting. The orientation meeting which is conducted jointly by the Directorate of Training and Education and the Directorate of Administrative Programs is required for all new grantees. The orientation meeting should be held during the first quarter of the grant.
 - a. The Directorate of Training and Education and the Directorate of Administrative Programs will develop a list of topics to be covered in the meeting and provide handouts.
 - b. If any revisions to the grant application workplan or budget are necessary, Regional Office grant staff will notify the grantee regarding the needed changes and work with the grantee to obtain an acceptable written revised workplan or budget. The Regional Office will submit the written revisions with their recommendation

for approval of the changes to the Directorate of Training and Education for incorporation into the grant.

3. First Year Grant Visits. Regional Office program staff shall conduct two visits during the first year of the grant; a program monitoring visit and a training observation visit. Regional Office financial staff shall follow the procedures contained in OSHA Instruction FIN 02-00-003, Financial and Administrative Monitoring of OSHA Grants and Cooperative Agreements. Additional monitoring visits may be made if warranted.
 - a. An on-site training observation visit shall be conducted in the first quarter that the training sessions have begun. This is to ensure that any corrective action can be taken if the training observation visit identifies a need for corrective action.
 - b. An on-site program monitoring visit shall be conducted well before the end of the grant. This is to ensure any corrective action can be taken if the program monitoring visit identifies a need for corrective action.

4. Extension of Subsequent Year Grant Visits. Regional Office program staff shall conduct a program monitoring visit and a training observation visit for grantees with subsequent year extensions. The financial staff will conduct one visit during the extension year. Program and financial visits may be combined and conducted by one staff member if all required review elements are covered. (See Appendix A for a sample program monitoring checklist.)
 - a. An on-site training observation visit shall be conducted in the first quarter that the training sessions have begun. This to ensure that any corrective action can be taken if the training observation visit identifies a need for corrective action.
 - b. An on-site program monitoring visit shall be conducted well before the end of the grant. This is to ensure any corrective action can be taken if the program monitoring visit identifies a need for corrective action.
 - c. More frequent visits may be made. Potential reasons for more frequent visits may include failure to perform in accordance with the plan, a change of staff assignments in the Regional Office or a change of grantee staff assignments.

5. Program Monitoring Visits. Regional Office program staff shall conduct a program monitoring visit during the fiscal year for new grantees and grantees with no-cost extensions. It is recommended that the program

monitoring visit be conducted before the end of the second quarter. This would generally occur soon after the grantee has begun initial training sessions. Program and financial visits may be combined and conducted by one staff member if all required review elements are covered.

If the grantee is not meeting established workplan timelines, it may be appropriate to conduct the visit prior to the initial training sessions. A program monitoring visit may be conducted to discuss the reason for the delay in implementing training, and to develop a plan of corrective action. More frequent program monitoring visits may also be made. Potential reasons for more frequent visits may be failure to perform in accordance with any aspect of the workplan, a change of staff assignments in the Regional Office or a change of grantee staff assignments.

The program items that shall be reviewed during the program monitoring visit should include but are not limited to the following. (See Appendix A for a sample program monitoring checklist.)

- a. Review the grantee's program plan and any progress reports submitted by the grantee before the on-site visit. Review actual performance and grantee operating procedures during the on-site visit. If these are not in accordance with the plan, determine the reasons for variances and work out a corrective action plan with the grantee.
- b. Review the relevant guidance document with the grantee including regulations, directives, and OMB Circulars. If the visit is to an ongoing grantee for which the monitor has previously reviewed guidance documents, this review may be at the discretion of the monitor.
- c. Explain how quarterly program reports should be completed. Review the written records that support the quarterly reports for accuracy.

Review written source documents including training agendas, student sign-in sheets, and class evaluations then compare them to the quarterly progress reports. Discuss the reasons for any variances and work out a corrective action plan. Amended quarterly progress report narratives and OSHA Form 171 Grantee Quarterly Progress Reports may need to be submitted.

- d. Review all grantee produced materials including training and advertising, both written and audiovisual, that are being produced with grant funds. Determine whether the requirements of Section I

concerning the review of materials are being met. If they are not, prepare a corrective action plan with the grantee.

- e. Review the grantee's acknowledgment and implementation of the Drug-Free Workplace Act. The grantee must have distributed its drug-free workplace policy to its grant-supported employees. Drug awareness sessions must have been held for grant-supported employees. It is not mandatory that employees attend such sessions, only that they be available for employees to attend.
 - f. Review the grantee's implementation of the lobbying restrictions to ensure that the grantee understands that grant funds may not be used for lobbying elected officials or their staff.
 - g. Review the grantee's self-certification compliance regarding giving grant materials and training only to those individuals covered under the OSHA Act.
 - h. Review grantee staffing and administration and compare them to the workplan.
6. Training Observation Visit. At least one training observation visit shall be conducted during the grant year to observe a representative portion of the training conducted under the grant. Visits should be conducted within 60 days after the grantee begins training sessions.

Grantees will submit a list to the Regional Office that includes scheduled training dates, class locations, and names of the instructors conducting the training. The Regional Office will select a training session to visit from the grantee's list. Regions may arrange to conduct training observation visits for other Regions based on geographic considerations. Training observation visits may also be conducted by other OSHA personnel as appropriate. This may include but is not limited to Compliance Assistance Specialists, Area Directors, and CSHOs. Items to consider when conducting a training observation visit may include the following. (See Appendix B for a sample checklist.)

- a. Ensure that training is conducted on the grant training topic chosen in the grant application. Other topics can be included in the training if they have been pre-approved by OSHA.
- b. Ensure that only OSHA pre-approved training materials are used in the training sessions.

- c. The OSHA monitor should consider the instructor's knowledge of the material presented to the participants, their effectiveness as instructors, and their ability to facilitate the training.
 - d. Ensure that sessions cover the required grant training topic(s) within the time allocated.
 - e. Ensure that daily student sign-in sheets are being utilized and that the sheets include the course title, the date of the training session, and the instructor's name. The instructor must sign the sheets to certify the accuracy of the data.
 - f. Ensure that the student evaluation forms include the instructor's name, date of the training session, and the training topics covered.
7. Financial Monitoring Visit. Regional Office staff shall annually conduct one financial monitoring visit to each grantee. The financial monitoring procedures are contained in OSHA Instruction FIN 02-00-003, Financial and Administrative Monitoring of OSHA Grants and Cooperative Agreements. The focus of this visit is to ensure that the grant funds are used to support the planned grant activities and that these expenditures comply with all OMB, DOL, OSHA, and other relevant federal regulations.
8. Opening and Exit Conference. An opening conference shall be held with the grantee at the beginning of the on-site visit to discuss the items to be reviewed during the visit. An exit conference shall be held and the grantee shall be informed of the results of the visit at the conclusion of the on-site visit. The grantee shall be informed that a written report will be prepared, and that the report and the grantee's written response to the findings will be sent to the National Office. The report should include:
- a. Review of staffing and administration.
 - b. Review of source documents including training agendas, student sign in sheets, and class evaluations.
 - c. Review of year to date training numbers.
 - d. Review of training materials. Explain the process that OSHA uses to review materials and assess grantee compliance with copyright laws.
 - e. Verify that the grantee is aware of the requirement to submit two self-certifications as part of their closeout report. The grantee must self-certify that only eligible individuals were served under their

grant and that all materials developed under the grant comply with copyright laws.

- f. Review Lobbying and Drug-Free Workplace Certifications.
 - g. Review evaluation requirements for training sessions, for conducting follow-up impact evaluations of training outcomes, and quarterly planned vs. actual grant workplan accomplishments.
 - h. Review report deadlines.
 - i. Recommendations for improvement, if any.
9. On-Site Visit Report. Following each program and training on-site visit, a report shall be prepared within 30 days that summarizes the items discussed or observed, notes any problems, and recommends corrective actions to be taken and timetables for those actions. The report shall be sent to the grantee with a copy to the Director of the Directorate of Training and Education.

Grantees have 30 days to provide a written response to the report. When the Regional Office receives a written response from a grantee, a copy of the response shall be sent to the Director of the Directorate of Training and Education. If corrective actions are required from the grantee, the Regional Office shall send a memorandum to the Directorate of Training and Education indicating when the corrective actions were completed and what outcome(s) had been achieved.

- F. Grant Closeouts. Regional Offices are responsible for obtaining grant closeout documents from grantees. To close out a grant, both financial and program requirements must be met.
- 1. General Requirements. Grant closeout must occur within 90 days after the grant termination or expiration date. Within the 90-day period, the grantee shall submit all performance, financial, and other reports required as a condition of the grant. The grantee shall also submit copies of final editions of all training and advertising materials produced under the grant which have not previously been submitted to OSHA.

Any request for extension of the 90-day closeout period shall be made in writing to the Regional Administrator by the grantee. The request shall include the reasons for needing the extension. The Regional Administrator shall reply in writing to the grantee. Copies of the reply shall be transmitted to the Director of the Directorate of Administrative Programs.

Extensions for more than 60 days shall not be approved unless the request has the approval of the Director of the Directorate of Administrative Programs.

2. Program Closeout. After the expiration of the grant, the grantee shall prepare a program closeout report. This report must summarize activities conducted under the grant for all grant years, explain how these activities enabled the grantee to accomplish the goals of the grant, discuss successes and problems encountered, and provide the results of the follow up impact evaluation. The grantee shall include their self-certifications that only eligible individuals were served under their grant and that all materials developed under the grant comply with copyright laws. The program closeout must occur before the financial closeout.

If the grantee has not already done so, the grantee shall also provide OSHA with copies of any final edition, OSHA-reviewed training products that were developed under their grant, as a part of their closeout report package. OSHA shall receive two hard copies and two electronic copies (CD-ROM or DVD) of any training products the grantee developed. The Regional Office shall retain one set (one hard copy and one electronic copy) of the training products. The Regional Office shall send the second set of training products, along with the grant closeout report, to the Director of the Directorate of Training and Education.

3. Financial Closeout. Financial procedures for grant closeout are issued to the Regions by the Directorate of Administrative Programs. For guidance, refer to FIN 02-00-003, Financial and Administrative Monitoring of OSHA Grants and Cooperative Agreements.

G. Program Reports. Grantees are required by Departmental regulations to submit program reports each calendar quarter.

1. Grantees shall prepare a narrative report that describes grant activities accomplished during the quarter. Grantees should compare planned grant activities against actual activities in the narrative portion of their quarterly program progress report as part of their ongoing self-evaluation of their grant progress. If workplan activities are behind schedule, the grantee should describe the corrective actions they will take to get back on schedule.
2. Grantees shall prepare the OSHA Form 171, Grantee Quarterly Progress Report, to report on training sessions conducted during that quarter. Grantees with workplans that include train-the-trainer courses must have an established system for new trainers to report to the grantee on their second tier training sessions, if the grantee wishes to report second tier training numbers. Grantees should use a separate OSHA Form 171,

Grantee Quarterly Progress Report, to break out and report second tier training numbers. Grantees conducting formal web-based training courses will use the OSHA Form 171, Grantee Quarterly Progress Report, to report on the numbers of students trained. A separate OSHA Form 171, Grantee Quarterly Progress Report, can be used to record web hits/downloads of web-based training materials.

3. Grantees' program reports shall be provided to the Regional Office no later than 30 days after the end of the quarter. Grantees whose grants do not begin on the first day of a calendar quarter are required to adhere to the schedule listed below. The schedule for the fiscal year follows.

<u>Quarter Ending</u>	<u>Grantee Report Due to Region</u>	<u>Regional Office Report Due to DTE</u>
December 31	January 30	February 15
March 31	April 30	May 15
June 30	July 30	August 15
September 30	October 30	November 15

4. Program reports shall be analyzed to see if actual activities are in conformance with planned activities, to identify problems, and to note achievements. Problems identified shall be discussed with the grantee and a corrective action determined.

5. The Regional Office shall prepare a memorandum that includes an analysis of the program. The analysis will address planned versus actual activities, identify problems, discuss corrective actions to be taken, and note achievements.

This memorandum shall be sent to the Director of the Directorate of Training and Education, by the fifteenth day of the middle month of the quarter (i.e., February 15, May 15, August 15, and November 15). The grantee program report, a regional summary of the report, and a cover letter signed by the Regional Administrator, or designee, should also be placed electronically on the Directorate of Training and Education designated location of the OSHA network.

6. The Regions must validate the information reported by the grantees and report the training numbers to the Directorate of Training and Education in accordance with current Directorate of Training and Education reporting procedures. If the grantee reports are incorrect or incomplete, the grantee shall be notified and directed to submit revised reports.

Numbers of those trained per quarter (projected and actual) shall be reported by the 15th of the month in accordance with the existing quarterly reporting schedule.

- H. Financial Reports. Grantees are required by Departmental regulations to submit financial reports each calendar quarter. Information on financial reports is contained in OSHA Instruction FIN 02-00-003, Financial and Administrative Monitoring of OSHA Grants and Cooperative Agreements.
1. The Financial Status Report, SF 269, shall be completed in DOL E-Grants no later than 30 calendar days following the end of the reporting period, usually the quarter. The report shall be analyzed and shall be consistent with the data reported on the Federal Cash Transactions Report (PSC 272) and related reports. If it is incorrect or incomplete, the grantee shall be notified by the Regional Office of the necessary correction(s). When the report is found to be satisfactory, the Regional Office will accept the report in DOL E-Grants no later than 45 days following the end of the reporting period.
 2. The Federal Cash Transactions Report, PSC 272, and related reports (PSC 272 A through E), are generated by the DHHS Payment Management System. Grantees are required to submit a copy of the signed report to the Regional Office no later than 30 days following the end of the reporting period, usually the quarter.
- I. Review of Grant Training and Advertising Materials by OSHA. Regional Offices shall review and approve all materials before use.
1. All materials and other products being produced by grantees must be reviewed and approved for use by the OSHA Regional Office during the design and development stage of the material, i.e., while the materials are in draft format before the material is in final form and before the grantee distributes or uses the product for grant-funded activities. This includes all training materials, audiovisual products, advertisements, flyers, and brochures. Materials shall be developed in the formats specified by OSHA in the grant solicitation and include the Harwood Grant disclaimer.

Commercially-developed and previously-developed training products that a grantee proposes to use under the current grant must also be reviewed and approved by OSHA before being used in any grant-funded activities.
 2. The grant workplan shall provide information on the types of materials to be developed and a schedule for the development and production of educational materials. The Regional Office shall develop a schedule which lists the items to be reviewed and the timeframe for such review.

Regions should work with their grantees to develop an average timeframe for the review and approval of materials for planning purposes. Note that products being developed in other languages may require additional time to complete the review/approval process.

3. Materials developed by a grantee shall be submitted to the Regional Administrator for final approval before reproduction or publication. Approval shall be based on a review of the materials for technical accuracy and suitability of content.

The materials submitted for review must be detailed enough that they can be reviewed for technical accuracy, i.e., the instructor manual should be reviewed either prior to or concurrently with the student workbook.

4. Technically accurate materials shall be those that present information correctly. Regional Offices shall be responsible for technical accuracy. They should have sufficient expertise on staff to review occupational safety and health materials for technical accuracy.

A review for suitability of content includes a review to determine that the materials are unbiased towards labor, management, and the government; and the materials are tailored to the target audience the grantee is serving. For example, college-level course materials would not be appropriate for entry-level or limited English proficient employees.

When a grantee includes photographs as a part of its grant materials, the pictures or accompanying descriptions of the photographs should clearly describe what the photographs are depicting. For example, if a picture shows an unsafe act the picture should either include a symbol, a note, or an accompanying description that conveys that this is an unsafe act and explains what the unsafe act is. If the picture shows an identifiable face or company name, written permission must be obtained by the grantee from the subject or company before the photograph may be used. A copy of that written permission must be submitted to OSHA along with the training product.

5. OSHA should not make changes to formats, nor serve as proof reader for the grantee. Materials that contain a significant number of typographical errors or other style issues should be rejected and returned to the grantee for correction and resubmitted to the Regional Office for review after those corrections have been made. The new date received will be the resubmitted date, not the original date.
6. Grantees proposing to develop materials in languages other than English are required to provide OSHA with an English version of the materials to assist the Regional Office in its review.

Grantees developing safety and health materials in Spanish shall use the OSHA dictionaries (English-to-Spanish and Spanish-to-English) for terminology. The dictionaries are available on the OSHA Web site.

7. Regional Office staff shall assure that grantees have written permission from copyright owners for the use of any copyrighted items in the grant-funded material. The source of the copyrighted materials must be shown on the material itself. Grantees are required to follow all copyright laws.
8. Grantees shall be encouraged to purchase and/or adapt existing materials rather than produce new materials. This approach is especially important when a grantee is proposing to incur substantial cost, such as for the development and publication of audiovisual materials.
9. All grant-produced materials must contain the following disclaimer. This identifies that the material was produced with government funding.

“This material was produced under grant [Insert grant number here] from the Occupational Safety and Health Administration, U.S. Department of Labor. It does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.”

10. Grantees developing training materials must provide a written certification to OSHA that their materials are free from copyright infringement as a part of their grant closeout report.
11. Grantees must self-certify that grant-funded products and training were only provided to individuals eligible to receive services under the grant.
12. The grantee shall provide two hard copies of each approved written or audiovisual educational material and two electronic copies (CD-ROM or DVD version) of each approved written educational material to the Regional Office before the grant is closed out. One copy shall be sent to the Directorate of Training and Education and the second copy shall be retained by the Regional Office.

J. Record Retention. The Directorate of Training and Education and the OSHA Regional Offices are required to follow Agency regulations. Grantees are required to follow Departmental regulations.

1. Regional Office Records Retention. The Regional Office grant records shall be retained in accordance with OSHA Instruction ADM 03-01-002 (ADM 12-7.2A), Regional and Area Office Records Disposition, effective July 30, 1980.

“Item 39: Contract Monitoring Case Files. Working files NC 100-76-1, maintained by OSHA regional and area offices for Item 232 monitoring contracts or agreements with universities or other institutions in the development and conducting OSHA programs. Case papers include duplicate copies of documents found in Purchase or Contract Transaction Files, Section I, and additional backup materials such as notes and working papers concerning contractor activities; evaluation of contractor proposals, submissions and reports; copies of correspondence concerning subcontractor activities; and routine communications pertaining to administering the individual contract or interagency agreement.”

Records Disposition: “Cut off at end of fiscal year that the contract is terminated. Retire to Federal Records Center two years after cutoff. Destroy six years after cutoff.”

2. Directorate of Training and Education Records Retention. The Directorate of Training and Education grant records shall be retained in accordance with OSHA Instruction ADM 03-01-003 (ADM 12-7.3), National Office Records Disposition Schedule, effective July 31, 1980.

“Item 232: Training Contract Monitoring Case Files. These are the working files maintained by the training office for monitoring contracts with universities or other institutions in the development of or conducting training programs in the area of Occupational Safety and Health. The file consists of copies of the proposal, a contract, work statement, contract report, and correspondence relating to the monitoring of the contract.”

Records Disposition: “Cut off files at the close of the fiscal year in which the contract is terminated. Transfer to Federal Records Center 2 years after contract is closed. Destroy when 7 years old. (NN 165-50, Item 12 and 17).”

3. Grantee Records Retention. Grantees are required to retain records in accordance with 29 CFR Part 95.53. Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final expenditure report or, for awards that are renewed annually, from the date of the annual financial report.

Appendix A
Sample Checklist for Program Monitoring Visits

Prior to the on-site visit, review the grantee's working file:

- Review the grantee's workplan.
- Verify that complete progress reports were received for each quarter.
- Check that the progress reports were received in the Regional Office by their due date.
- Confirm that the grantee submitted their training material for OSHA review.
- Check whether the grantee has begun conducting training sessions.
- Make notes of questions and problems to be discussed with the grantee.

On-site visit:

- Conduct an Opening Conference with the grantee. Explain to the grantee the items to be reviewed during the on-site visit.
- Review with the grantee the information that was presented at the Orientation meeting.
- Discuss the grant's workplan with the grantee. Determine if the grantee is on schedule. If not, discuss with the grantee the reasons for the delay and assist the grantee in developing an action plan to get back on track.
- Discuss how the grantee is marketing their training sessions. Remind grantees that they are required to provide training to multiple employers and employees, and that the individuals trained must be covered by the OSH act.
- Discuss the training material the grantee will be using for their training sessions. Remind them that all training materials must be reviewed and approved by the Regional Office before they are used to conduct training.
- Remind the grantee to include the OSHA disclaimer on all materials developed under this grant.
- Review a copy of the Drug-Free Workplace policy, and ask if they have awareness sessions available for grant-supported employees.
- Remind the grantee that grant funds may not be used for lobbying elected officials or their staff.

Review written records that support the quarterly reports:

- Compare the numbers trained shown on the quarterly OSHA Form 171, Grantee Quarterly Progress Report Progress Report to the actual number of employees listed on training rosters.
- Verify the accuracy of the reported training dates.
- Look for duplicate names or other items that may indicate distortion of the training numbers.

- Review some of the completed training evaluation forms to determine if the grantee is using these evaluations to provide better training.
- Determine if the grantee is conducting the required follow up impact evaluations with the trainees to determine the effect the training has had at the employee's workplace.
- Conduct a closing conference with the grantee. Explain what was covered during the review and your findings. Explain to the grantee what your reporting requirement is regarding this visit, and what is expected from the grantee because of this visit.

Topics to cover during the last on-site visit for this grantee:

- Explain to the grantee the closeout procedures for their grant.
- Make sure that you receive two sets (2 hard copies and 2 electronic copies) of grant-produced training material. Explain OSHA policy regarding the copyright of these materials. Remind the grantee that they must provide self-certifications regarding serving only eligible training audiences and that their grant produced materials comply with copyright laws.
- Discuss grantee plans for continuing training after the grant ends.

After the on-site visit:

- A report of the on-site visit must be sent to the grantee within 30 days after the close-out meeting. A copy of the report should be sent to the Directorate of Training and Education.
- If the on-site visit report contained findings and recommendations, set up a schedule to follow up with the grantee to ensure that corrective actions have been completed.
- Discuss the requirement that the grantee must retain records in accordance with 29 CFR Part 95.53.

Appendix B
Sample Checklist for Training Observation Visits

Prior to the training observation visit, review the grantee's working file:

- Review the grantee's workplan.
- Confirm that OSHA has approved the grantee's training materials.
- Schedule appointment in accordance with Regional requirements.

Learning Environment:

- Make sure that the instructor can be clearly heard and that presentations can easily be viewed by the students.
- Make sure that distractions are taken care of such as outside noise levels and classroom temperature.
- Ensure that the audience is not too large for effective training.

Administration of training:

- Ensure that daily sign-in sheets are being utilized and that the sheets include the course title, the date of the training session, and the instructor's name. The instructor must sign the sheets to certify the accuracy of the data.
- Ensure that the student evaluation forms include the instructor's name, date of the training session, and the training topics covered.

Training:

- Verify that all of the training is conducted on the selected grant training topic(s) listed in the workplan.
- Make sure that the instructor clearly explains the learning objectives to the students before beginning the training.
- Make sure that the presentation is clear and understandable and that the training is conducted at a grade level appropriate for the students.
- Ensure that the instructor demonstrates a level of knowledge that is sufficient to teach the material, is familiar with the training materials, and is sufficiently prepared to teach the material.
- Make sure that the instructor provides examples that are clear and relevant to the audience when explaining how to identify and eliminate hazards and prevent accidents.
- Make sure that the instructor conducts workshops, exercises, and activities in a way that helps to develop the student's knowledge, skills, and abilities.

- Ensure that the instructor is familiar with instructional techniques and training methods.
- Review the materials given to the students. Ensure that the materials are accurate, appropriate, and up-to-date.

Training in Spanish:

- Make sure that the instructor is fluent in Spanish or uses a competent translator.
- Ensure that the instructor uses terms in the OSHA Spanish-English dictionary.
- If the term is not in the OSHA Spanish-English dictionary, make sure that the instructor uses a term that can be found in a Spanish-English dictionary.
- If more than one term or phrase can be used, check that the instructor uses terminology that will be understood by the students from various Spanish-speaking countries.
- If there is not an exact translation available, ensure that the instructor uses a description that will be understood by the students from various Spanish-speaking countries.

Training in a language other than English or Spanish:

- Ensure that the instructor is fluent in the language in which he will be training or uses a competent translator.
- Verify with the students that the instructor adequately presented the training in the presentation language.
- Check that the instructor uses terms and phrases that can be found in a dictionary and that they are understandable by most of the students.

After the training observation visit:

- Request and review the completed student evaluation forms.
- If the training observation visit identified any problems, explain your findings with the grantee and make recommendations.
- A report of the training observation visit should be sent to the grantee after the visit. A copy of the report should be sent to the Directorate of Training and Education.