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Chapter Seven

Recruitment/Selection

Start-Up

Recruitment can begin once the Agency has been notified of selection for an AmeriCorps/USDA Project by CNCS and the USDA Director of National Service. No members should be formally selected or renewed until the sites receive this formal notification. At Appendix G is a checklist for project directors and managers that may be helpful in getting started. The CNCS will launch a media campaign to advertise the recruitment phase. The Office of National Service will assist with recruitment by sending Public Service Announcements to the media and providing recruitment material to all project sites.

Project managers need to send out press releases for local press (example at Appendix E).

Each site needs to develop a recruitment plan (example at Appendix F). This plan should detail exactly how managers plan to obtain a high quality and diverse group of applications. The plan needs to specify how managers will go beyond usual contacts, i.e., friends, family, and associates of USDA employees. Submit recruitment plans to the USDA Director of National Service.



The plan should reflect a detailed timetable for each task, such as:

- how and where recruitment brochures and posters will be distributed;
- civic groups or summer youth programs to which presentations will be made;
- specify the meetings which will be held with guidance counselors, principals, clergymen, college department chairs, college and vocational school financial aid officers, college student activities coordinators, school community service coordinators, and other community leaders;
- specify community events where exhibits will be held; and
- state how and when finalists will personally be interviewed.

Eligibility

Anyone over 17 years of age (or 16 in a Youth Corps program), is a U.S. citizen or a lawful permanent resident alien, has a high school diploma, a GED or agrees in writing to get one, and has a sincere desire to perform national service, is eligible to be a member in this program.

Relocation Costs

USDA will not pay any costs due to relocation. For example, if a Member living in New York applies for a position in California and is accepted, that individual is responsible for his/her relocation costs.



Former AmeriCorps Members

If a project sponsor wishes to recruit a current or past AmeriCorps Member, they should have that member submit a new application. Members are not automatically enrolled for another term. They must apply and compete for each term they wish to serve. Project managers must make the determination of whether or not to renew a member in the AmeriCorps Program.

Recruitment Pools

The CNCS will maintain a database of potential applicants which may be used as a source for recruitment. Program managers can tap this source in one of two ways:

1. contact NHQ with zip codes for potential geographic recruitment areas. NHQ will obtain the list of applicants and forward to you.
2. contact CNCS directly by calling Bruce Cohen at (202) 606-5000, extension 249.

Each project should try to select approximately 20 percent of the members from the Corporation's recruitment pool. The pool will include names from your area.

The USDA Office of National Service will also operate an 800 line to obtain names of interested applicants. USDA will provide these names to local project managers.

Diversity

The goal at each site should be to receive four applications from a socioeconomic mix of people for every member eventually accepted. In other words, if you have a 20 person project, you should attempt to obtain at least 80 applications. You should make it clear to all applicants that there will be a tough competition to get accepted to the program. Yet you should make sure that applicants know they will not be judged so much on their past education or accomplishments as they will on their sincere desire to work hard at performing community service.

While USDA projects will absolutely not have recruitment quotas, each program should have the basic look and feel of the people who live in that region. For instance, a program in Vermont should have a diverse mix of Anglo-Americans and Americans of French descent. A program in the District of Columbia or Chicago or Los Angeles should have a diverse mix of African-Americans, Caucasians, Latinos, and Asians. A program in South Dakota should have a diverse mix of Caucasians and Native Americans.

All projects should seek people with a diverse mix of educational levels, ranging from high school dropouts to technical school and college graduates. All projects should recruit people with a diverse level of family income. (There is no income eligibility for this program.) Projects should have a mix of males, females, and members with disabilities.

While it may be difficult to achieve the recruitment goals outlined above, diversity is fundamental to our program. Your recruitment plan should specify the exact ways you will take steps to obtain diverse applicants.



Nondiscrimination

You may not discriminate against any participant, program staff, or service recipient on the basis of race, color, national origin, religion, sex, age, political affiliation, or disability. Under Federal law, you are required to conduct a self-evaluation regarding accessibility for individuals with disabilities and discrimination on the basis of sex. You must also comply with applicable state nondiscrimination laws.

We urge you to reach out to participants who can contribute a diverse set of perceptions, skills, and life experiences to your program team. In all cases, your selection process must be based on the qualifications of your applicants - whether they can perform the essential project activities - with or without reasonable accommodation of their mental or physical disabilities. If you have applicants who are qualified, but have disabilities, you have an obligation by law and under the grant to provide reasonable accommodation to enable them to participate. You do not have to enroll someone who is unqualified or who poses a direct threat to the health or safety to others (that cannot be eliminated through reasonable accommodation). Nor do you have to make accommodations which are unduly burdensome or will fundamentally alter your program design.

Member Selection

The project director, in consultation with agency line officers, is responsible for selecting members.



Members with Criminal or Juvenile Records

Applicants with criminal records have not been restricted from participation in the program. A determination must be made on a case-by-case basis.

However, if your program provides service in particularly sensitive areas, such as working with young children, you should consider whether the participation of individuals with certain criminal backgrounds would have a significant negative impact on the physical or psychological health of other members or individuals served. Similarly, you should carefully consider the impact of participation by an individual convicted of a violent felony or an offense related to the project activities (for example, someone with a burglary record where the program repairs the homes of elderly residents). The same recommendations apply for someone adjudicated as a juvenile offender.

You should be aware that some states have laws related to placing individuals with criminal records in activities involving children. You also should be aware that programs could be held liable for any negative consequences resulting from inadequate screening of members in particularly sensitive areas.



Chapter Eight

Personnel and Administrative Issues

General

AmeriCorps Members are not Federal employees: however, for the purpose of administration, USDA/AmeriCorps members will often follow many of the same processes used for regular employees.

Participant Application

USDA will use the Team USDA AmeriCorps Application Form AD 1099 (4/95) (copy at Appendix H).

Benefits to AmeriCorps Members

- living allowance during service;
- child care allowance (if eligible);
- basic health insurance (if eligible);
- educational award worth \$4,725. This can be used for college, job training, or repayment of qualified student loans;
- for full-time member excused absence (40 hours) and Federal holidays; and
- for part-time members excused absence (20 hours) and four Federal holidays.

AmeriCorps Members are NOT Federal employees. Their service in AmeriCorps does not count toward retirement nor does it give them any special status if once they leave the program they apply for a job as a Federal employee.



Living Allowance

Living allowance disbursement will be determined based upon 1,812 hours for full-time Members. For part-time members it will be based on 952 hours. Members are not subject to the Fair Labor Standards Act and will not receive premium or overtime pay.

Living allowance rates for USDA/AmeriCorps Full-time members for FY 96 are:

	Allowance	Hourly	Pay period
Environmental Team	\$7,945	4.39 x 80	= \$351.20
Anti-Hunger Team	\$7,945	4.39 x 80	= \$351.20
Rural Development Team	\$12,000	6.62 x 80	= \$529.60

Living allowance rates for USDA/AmeriCorps part-time members for FY 96 are:

	Allowance	Hourly	Pay period
Environmental Team	\$4,206	4.41 x 80	= \$362.80
Anti-Hunger Team	\$4,206	4.41 x 80	= \$362.80
Rural Development Team	\$6,352	6.67 x 80	= \$533.60

Members participating in a residential program may be subject to a commissary deduction.

Effect of Living Allowance on Other Programs

The question has arisen as to how the AmeriCorps living allowance is treated for purposes of determining an AmeriCorps Member's eligibility for benefits under the Social Security Act, including AFDC, Medicare, Medicaid, and SSI benefits. The National and Community Service Act of 1990, as amended, deals with this issue in a rather indirect fashion:

Treatment of benefits. Section 142(b) of the Job Training Partnership Act [29 U.S.C.A. §1552(b)] shall apply to the projects conducted under this subchapter as such projects were conducted under the Job Training Partnership Act [29 U.S.C.A. § 1501 et seq.]

42 U.S.C. § 12637(d). Section 142(b) of the Job Training Partnership Act provides as follows:

Allowances, earnings and payments to individuals participating in programs under this chapter shall not be considered as income for the purposes of determining eligibility for 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 [42 U.S.C.A. 301 et seq.]

29 U.S.C. § 1552. The Department of Health and Human services has ruled that AmeriCorps benefits will be taken into account in determining eligibility for programs under the Social Security Act, including SSI, Medicaid, Medicare, and AFDC. However, AmeriCorps benefits may not be taken into account in determining eligibility for and the amounts of other needs-based Federal Programs, including Food Stamps, Public Housing, Federal Student Aid, and others.



Food Stamp Eligibility

Below is a boilerplate paragraph that may be useful to you and/or your State/regional/local contacts in informing AmeriCorps Members about their possible eligibility to receive food stamp benefits.

AmeriCorps Members who wish to apply for food stamps must:

- 1) TELL the eligibility worker that they are AmeriCorps Members, and
- 2) take the necessary information to the office with them (see sample paragraph below).

It is critical that they report the income, even though the worker will turn right around and exclude it; otherwise, it could be construed as a "misrepresentation of circumstances" or "food stamp fraud".

This applies to any of the other means-tested programs (i.e., programs that have an income eligibility requirement) administered by FNS -- WIC, Child and Adult Care Feeding, School Lunch/Breakfast, and the Summer Food Service Program, to name a few. Thus the sample paragraph on the following page can generally be interpreted to refer to those other programs as well as to the Food Stamp Program that it specifically mentions.

Sample Paragraph

The Food Stamp Program helps low-income people buy the food they need for good health. Eligibility is on a household basis, that is, people who live together and purchase food and prepare meals together are included in one household. When a household applies for food stamps at the local food stamp office, an application must be filled out that reports all income the household receives. Most income is counted in determining the household's eligibility and the amount of benefits the household will receive, but some types of income are not counted. For example, stipends and educational income received under an AmeriCorps program are not counted. To get this exclusion, you will be asked to show proof that the money comes from an AmeriCorps program. This proof may be a document provided by the AmeriCorps program that shows what type of payment it is or, if you do not have such proof, you may have the food stamp office call the (local) AmeriCorps office for you.

Living Allowance Waivers

The Department of Health and Human Services has ruled that the living allowance will be taken into consideration in determining eligibility for and the amount of assistance from programs under the Social Security Act, including SSI, Medicaid, Medicare, and AFDC. A significant number of AmeriCorps Members are recipients of SSI or AFDC who fear losing that assistance because of the living allowance. For those members, the Corporation will waive the living allowance requirement, with the following caveats. First, the member must understand that each State has different regulations applying HHS rules, and that even if the member waives his or her right to receive the living allowance, the State may still consider the amount of the living allowance that the member is eligible to receive. Second, the member may revoke the waiver at any time during the course of the program. Finally, if the member revokes the waiver, he or she may only begin receiving the living allowance from the date on which the waiver was revoked; the member may not receive any portion of the living allowance that accrued during the waiver period. Appendix I is a waiver form for the member to sign if they decide to waive the living allowance.

Work Study

Effect of living allowance on a member's work study and other student assistance - work-study is a Federal needs-based program administered through post-secondary institutions to provide students with part-time employment during school attendance. A member's living allowance will not affect work-study eligibility or eligibility for any other Federal student aid. The CNCS has asked financial aid officers not to take the living allowance into account in determining other financial aid. However, there is no guarantee that the living allowance will be disregarded in determining eligibility for State aid or private scholarships.

Child Care

AmeriCorps child care benefits include assistance in:

1. identifying child care; and
2. payment of child care costs based on a regional allowance.

Child care benefits are available for all full-time members who are income eligible and whose children are younger than 13 years of age. These benefits will pay for a variety of types of approved child care including family child care and center-based child care. Considering child care needs, members should plan for transportation time to and from work sites in addition to scheduled work hours. These benefits cover 100 percent of a pre-determined allowance or the actual cost of the care, whichever is less. The allowance is based on the local rates of the Child Care & Development Block Grant, a federally funded, state administered program that differs from state to state and community to community.

(See information at Appendix J)

Summary of Benefits

- timely, direct payment of child care costs to approved child care provider based on the pre-determined allowance;
- consultation with a child development specialist located in the community where child care is needed;
- detailed review of all available child care options in the community where child care is needed;
- consumer information about the quality of child care and how to identify it; and
- materials and resources, including checklists for the visit to child care providers, charts identifying milestones in child development and other helpful materials.



Overview of Responsibilities

Project managers and/or supervisors are responsible for determining a member's eligibility for child care benefits. The process consists of the following steps:

1. **Orientation** - project managers should provide an orientation regarding child care benefits. Two reasons for this step is to:
 - provide the member with the information needed to successfully choose a child care provider. Thoroughly describe and explain the benefits and materials which will be provided by AmeriCorps Care.
 - to gather essential information to determine the member's eligibility for child care benefits. Ensure that the AmeriCorps Care application is completed and obtain current income information (obtain pay stubs from the most current four weeks prior to the review).
2. **Verification** - to review eligibility information by checking all child care applications and review eligibility based on family size, computation of family income, verification of hours in program, and child care payments from other sources.
3. **Certification** - ensure that the member meets the following criteria:
 - The member must reside with and be a parent or guardian of a child or children under the age of 13.
 - The total family income must be within the state's eligibility limits for CCDBG for a family of that size.
 - The member is not receiving child care assistance from other sources.
 - The member needs child care in order to participate in program.

After completion of these three steps, project managers should fax or mail signed application of the eligible member(s) to the AmeriCorps Care.



4. **Obligation/Authorization** - provide each eligible member with an AmeriCorps Care parent packet. Within this packet is a three-party contact agreement which, when signed by provider, parent, and project manager, authorizes child care services to begin immediately.

5. **Compensation** - AmeriCorps Care will administer a payment system, forwarding child care payments directly to approved child care providers on a monthly basis. Providers will be required to verify services for the prior month and forward a child care coupon to AmeriCorps Care. AmeriCorps Care will forward payment directly to child care providers within five working days of receiving the completed coupon.

For technical assistance, project managers and supervisors may contact AmeriCorps Care at 1-800-570-4543, 9:00 AM to 5:30 PM, EST, Monday through Friday. This number is **not** for member use.

Members may contact AmeriCorps Care at (202) 393-1135, 8:30 AM to 5:00 PM, EST, Monday through Friday.



Worker's Compensation

For the purposes of the Federal Employees Compensation Act (FECA), if members are managed directly by Federal employees, we are to consider them as being covered. Each agency should process the appropriate Department of Labor forms as it would for a USDA employee.

Members who are in programs sponsored by USDA but are directly supervised (and usually payrolled) by a non-Federal third party must have workers' compensation payments made for them by the third party to the appropriate state.

Liability

For the purposes of the Federal Tort Claims Act (FTCA), if members are directly managed by Federal employees, we are to consider them as being covered where they are acting in the scope of their employment on behalf of USDA in an official capacity. The ultimate determination is within the discretion of the Department of Justice and must be made on a case-by-case basis under the particular facts of each case. All incidents should be handled under normal FTCA procedures.

All non-Federal third parties operating programs in conjunction with USDA who directly supervise the members must provide liability insurance coverage for the members.

Insurance

USDA will provide health insurance for AmeriCorps members. There will be no cost share by the member. Members can enroll at anytime during the program. This insurance is optional to the member, covers only the member, and does not cover any dependents. A policy will be obtained by CNCS and the payment will be made by the National Finance Center. (Appendix K)

There is no life insurance coverage.



Unemployment Benefits

Members are not considered Federal employees for this benefit and are not eligible to receive unemployment benefits.

Garnishment of Wages

Procedures for garnishment of wages is the same as for an employee. The procedure is that a court order is issued and forwarded to the agency office charged with handling such matters. Agency personnel should contact the Research and Operations Division of the Office of the General Counsel (202) 720-2320 when processing garnishment orders for AmeriCorps Members. There is some question as to whether or not an AmeriCorps living allowance is considered "pay" for the purposes of legislation that allows garnishment.

Employee Assistance Program

Members are not considered Federal employees for this benefit and are not eligible to receive assistance. However, assistance program counselors may be asked for advice as to whom the AmeriCorps Member may contact to seek assistance.

Educational Awards

After a member completes his/her term of service, they will be eligible for an educational award that can be used in the following ways:

- to repay qualified existing or future student loans;
- to pay all or part of the cost of attending an institution of higher education (including certain vocational programs); or
- to pay expenses incurred while participating in an approved school-to-work program.

The award can be divided up and used only for authorized educational expenditures. A member could apply a portion to an existing qualified student loan and save the remainder to pay for authorized college costs a few years later. Educational awards will be held in the National Trust for seven years. A member may apply for an extension if during the seven-year period, they perform another term of service in an approved AmeriCorps position, or if they were unavoidable prevented from using the award. Education awards are subject to income taxes in the year they are used.

Members must serve a minimum of 15 percent of their term of service in order to receive a pro-rata share of the educational award.

In general most personal loans taken out by individuals to cover education expenses that are NOT qualified loans can NOT be paid off using the post service education award. The institution which made the loan can tell you if the loan is "qualified".



The post service education award CAN'T be transferred to anyone else. A child can't transfer it to a parent to pay off loans the parent took out to pay the child's educational expenses. A parent can't transfer it to a child or spouse or relative to pay for that person's educational expenses. In general, the education award can't be used to pay off PLUS loans.

The law prevents the USDA/AmeriCorps Program from offering the option of making a cash payment in lieu of the post service education award administered through the National Trust.

In most cases, the post service education award of \$4,725 is taxable in the calendar year in which it is used. The Corporation will deduct no taxes but you will be sent a Form 1099 to be used in preparing your taxes.

In most cases, the post service education award does NOT count as aid received when computing your eligibility for other financial assistance for education. The education award is in addition to any other financial aid you would have been eligible for if you had not served in AmeriCorps.

Prior to using the education award, the member agrees (in the event the member has not yet received a high school diploma or its equivalent, including an alternative diploma or certificate for individuals with learning disabilities) to obtain a high school diploma or its equivalent (unless the member is enrolled in an institution of higher education on an ability to benefit basis or the program has waived the requirement due to the results of the member's education assessment).

The member understands that his/her failure to disclose to the program any history of having been released for cause from another AmeriCorps Program will render the member ineligible to receive the education award.

If the member has received forbearance on a qualified student loan during the term of service, and the member successfully completes the term of service, the National Service Trust will repay any interest that accrued on the loan during the term of service.

Qualified Student Loans

Below is a partial list of qualified student loans under the AmeriCorps Educational Awards and the Loan Forbearance programs. Essentially, all student loans under Title IV of the Higher Education Act of 1965 (except for loans made to parents of students) and Titles VII and VIII of the Public Service Health Act are qualified student loans under the AmeriCorps Education awards and Loan Forbearance programs.

Please note that the list provided below is not exhaustive because the names of the student loans frequently change or the local lenders have given different names to certain loans. If the AmeriCorps Members in your program have student loans that are not listed below, please have them check with their lenders to see if it falls under Title IV of the Higher Education Act of 1965 or Titles VII and VIII of the Public Service Health Act.



Title IV of the Higher Education Act

Federal Family Education Loan Program (FFEL) - these loans are insured by the Department of Education. (Since FFEL loans are privately issued, they may be referred to by another name by the loan holder.)

- Federal Consolidation Loans
- Federal PLUS Loans - excluding those made to parents
- Federal Stafford Loans
- Federally Insured Student Loans - ended in 1984
- Guaranteed Student Loans - former name for Stafford Loans
- Supplemental Loans for Students (SLS)

Federal Direct Student Loan Program (FDSLP) - The Department of Education is the lender.

- Federal Direct PLUS Loans
- Federal Direct Stafford Loans

Federal Perkins Loans - This is a campus based program.

- National Defense Student Loan Program
- National Direct Student Loan Program
- Income Contingent Loan Program

Title VII of the Public Service Health Act

Health Education Assistance Loan Program (HEAL)

Health Professions Student Loan Program (HPSL)

- Primary Care Loans (PCL)
- Loans for Disadvantaged Students (LDS)

Title VIII of the Public Service Health Act

Nursing Student Loan Program (NSL)

Deferment of Student Loans

Individuals serving in an approved position in Americorps, the National Service Program, are entitled to forbearance on qualified student loans during their terms of service. This benefit is intended to enable individuals with outstanding debt to participate in AmeriCorps, the National Service Program established by the National and Community Service Trust Act of 1993 (P.L. 103-82).

This law amended the Higher Education Act to provide that:

"upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary [of Education], during periods in which the borrower is serving in a national service position, for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993."

The Department of Education has further incorporated this statutory mandate into its implementing regulations. The final regulations governing the Federal Family Education Loan Program (34 CFR Part 682) provides for mandatory forbearance for such a borrower "in yearly increments (or a lesser period equal to the actual period during which the borrower is eligible)." In the future, the Department will incorporate further regulatory references to this mandatory forbearance requirement for Perkins' loans.

The Department of Health and Human Services is developing policy guidance to notify schools, lenders, and holders that loans made pursuant to Title VII and VIII of the Public Health Service Act are similarly eligible for forbearance during any periods of service with the national service program.

The CNCS shall pay the interest that has accrued on the qualified student loans of any person in an approved national service position during their term of service, pursuant to Section 148(e) of the National and Community Service Trust Act. Interest will be paid to the lender at the end of the term upon the successful completion of service by the borrower in a national service program. Members who fail to complete the full term will generally be liable for the accrued interest. In some instances, individuals may leave service early for compelling personal circumstances, and the Corporation will also pay accrued interest during the term of service. Otherwise, individuals who leave the program early are responsible for paying the accrued interest.

Qualified student loans for which the Corporation will pay accrued interest costs are:

"any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078-2);" and

"any loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292a et. seq.)."

In general, the Department of Education loans that are covered include:

- (a) Federal Family Education Loan Program,
 - Federal Consolidation Loans,
 - Federal PLUS Loans (excluding those made to parents)
 - Federal Stafford Loans
 - Federally Insured Student Loans (1984 and prior)
 - Guaranteed Student Loans (former name for Stafford Loans)
 - Supplemental Loans for Students



- (b) Federal Direct Student Loan Program (FDSLPL)
- (c) Federal Perkins Loans
 - National Defense Student Loan Program (NDSL)
 - National Direct Student Loan Program (NDSL)
 - Income Contingent Loan Program

For purposes of the Public Health Service Act, this includes:

- Health Education Assistance Loans (HEAL)
- Health Professions Student Loans (HPSL)
- Loans for Disadvantaged Students (LDS)
- Primary Care Loans (PCL)
- Nursing Student Loans

In order to get forbearance on a student loan, the member must contact their loan holder requesting "forbearance" of their loan payments because they are participating in an AmeriCorps program. Appendix L is a copy of a "Loan Forbearance letter" published by the Corporation. The member may need to take a copy of this letter to his/her loan holder. The loan holder/servicing center will give her/him a form for requesting a forbearance or deferral. (Lending institutions have standard forms they use for borrowers who request forbearance on loans). While the forms differ from lender to lender, there will be a section that the AmeriCorps member will need to complete. Then, they should send the form to the National Service Trust for verification of service. Writing "forbearance" on the envelope will help direct the request to the proper person. The Trust will complete the appropriate section (if applicable), enclose the "Dear Lender" letter in the appendix, and return the form to the loan holder/servicing center or, if requested by the AmeriCorps member, to him/her.

The Trust will only be able to certify eligibility if there is a completed and signed Trust Fund Enrollment Form on file. Therefore, it is important that these forms are filled out and returned as soon as possible after the project begins. Return these forms to your national agency headquarters in Washington, D.C.

Additional Questions and Answers

What can I use my education award for? Awards can be used to repay existing or future qualified educational loans or to pay for the cost of attending a qualified college or graduate school or an approved school/work program, as defined by the Departments of Education and Labor.

What expenses are considered part of the "cost of attending" a qualified school? The Department of Education has defined the term "costs of attendance" to mean tuition, normal fees and required material, equipment, and supplies. In addition, each educational institution establishes allowances for room and board, books, supplies, transportation, and miscellaneous personal expenses, which are also included in the cost of attendance.

What if I don't use my entire education award all at once? You can use up your education award at any rate you choose, as long as you use it within seven years for qualified expenses at qualified schools.

Can an education award be used at more than one school? Yes. The award can be used to help pay one or more loans or the costs of attendance at one or more educational institutions or a combination.

Can an education award be used to study outside the U.S.? Many post-secondary institutions offer educational opportunities abroad. As long as the institution itself is in the U.S. and meets the legal requirements as defined in section 481(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1088(a)), you may use the education award to study overseas. Foreign schools, however, do not meet the Higher Education Act criteria.

Can I use my past community service to qualify for an award? No. Only service in an approved AmeriCorps program will be credited for purposes of earning an education award.

What happens if I withdraw from the school or fail to complete my period of enrollment for which the award has been used? The school must have a fair and equitable refund policy that complies with the Higher Education Act of 1965, as amended. If there is any refund owed and returned to the Corporation, the amount will be credited to your "account" in the Trust, and can be used by you, within seven years of your completion of service.



Will I have to pay taxes on my education award? According to the IRS, in most cases awards are subject to income taxes in the calendar year in which they are used. The Corporation will deduct no taxes, but it will send you a Form 1099 to be used in preparing your income tax form.

Is my award transferable? For example, if I am unable to use it, can I transfer the award to another individual? No. Only AmeriCorps Members are eligible for education awards. You may not transfer it to a relative or any other individual under any circumstances.



Forms

Appendix M describes the forms from the Corporation and gives detailed information on how to fill them out. It is important to remember that every form should be sent to your agency headquarters as soon as possible after your members have enrolled. Also, be sure to retain a copy of every form sent to your agency headquarters for your files.

Appointment

Upon entrance to the program, the following must be completed by the member:

1. state and Federal income tax forms;
2. health insurance form if a member is eligible;
3. direct deposit forms;
4. National Service Trust Form (Appendix N);
5. Member Enrollment Form (Appendix O) - members must sign and date this form. In the first section, For local Program Staff Use, this information will be provided to you by your agency's project director. Complete the requested program information and the member's date of enrollment. Note that the sub grantee ID number is your grant number. You must indicate the recruitment type on each form. Mail this form and the National Trust Form to agency National Headquarters;

NOTE: There is a misleading question on the member enrollment form. Question #4, "Are you a(n) ..." has as a possible response "alien with a work permit/authorization to work." This has led some to believe that aliens with a work permit/authorization to work are eligible to be AmeriCorps Members. They are NOT eligible. Anyone checking this block is INELIGIBLE to be in Americorps.

6. Form I-9, Employment Eligibility Verification; and
7. SF-1152, Designation of Benefit for Unpaid Compensation.



The supervisor is to complete:

1. Form SF-52, Request for Personnel Action;
2. Position Description (example at Appendix P)
3. Supplemental 52; and
4. AD 322.

Forward completed forms to the personnel office where they will electronically enter the information in the NFC personnel and payroll master file.

For each member, NFC will produce these output documents:

- Form SF-50, Personnel Action;
- Form AD-334, Statement of Earnings and Leave; and
- Form W-2, Earnings Statement.

The supervisor and the member should:

1. review the Member Agreement (Appendix Q) and member must sign;
2. review the safety release form and member must sign (Appendix V);
3. review any performance standards and performance appraisal (example at appendix R).
4. if appropriate, provide member with the child care packet and review with the member. Supervisor must determine if the member is eligible, complete the eligibility form, and both member and supervisor must sign; and
5. present member with USDA/AmeriCorps ID card.

Member Agreements

Members shall sign an agreement which explains agency expectations and member's rights and responsibilities, including:

- beginning and ending dates of the member's term of service;
- minimum number of hours needed to obtain a post-service education benefit;
- identification of member's supervisor;
- project assignment and service activities;
- activity performance standards;
- living allowance amount and payment method;
- a description of the other member entitled benefits;
- a description of any deductions for room and board;
- acceptable conduct;
- prohibited activities;
- requirements under the Drug Free Workplace Act;
- termination and suspension rules (including the specific circumstances under which a member can be released for cause);
- grievance procedures; and
- other items as appropriate.



The Department will develop two different Member Agreements for use in the USDA/AmeriCorps program;

1. Member Agreement for members of the Anti-hunger and the Public Lands and Environment Team.
2. Member Agreement for members of the Rural Development Team.

In addition, if a member has not completed high school, they must agree in writing to obtain a high school diploma or GED certificate before using the education benefit.

USDA will maintain the confidentiality of information according to the Privacy Act. Prior written consent by members must be obtained before using their names, photographs, and other identifying information for publicity or promotional purposes. If members are under 18 years of age, parental or legal guardian written consent must be obtained. The easiest way to handle this is to include a standard informed consent form as a part of the Member Agreement signed at enrollment (this information has been incorporated into the member acknowledgment form found at Appendix V). You may release aggregate and other non-identifying information about members, and you must release member information to your granting agency, the Corporation, and authorized program evaluators. NFC security for members will be the same as that of regular USDA employees.



Time and Attendance

NFC will process payroll for the USDA/AmeriCorps Members.

Full-time members will be granted 8 hours of excused absence each month for the first five months of their Term of Service for a total of 40 hours of excused absence. Advanced personal days can be granted at the discretion of the supervisor. Nine Federal holidays will also be granted to full-time members (limited to eight hours per holiday).

The following PC TARE and other T&A entry system entries will be required:

- initial entry (in master record);
- special accounting codes (defined by each agency);
- time and attendance submission to NFC each pay period; and
- termination entry.

The following transactions will be used:

- 01 - hours worked (80 hours maximum per pay period);
- 21 - hours worked in excess of 40 hours in a week (these hours will be paid at the base rate, not the overtime rate-NFC will convert); members are not eligible for overtime pay. They must be listed as EXEMPT from FLSA.
- 66 - Federal holidays and excused absence (manually track hours of excused absence to ensure the hours do not exceed 40);
- 67 - hours of paid absence due to an injury suffered on the job, beginning the day after the day of injury. Forty-five calendar days is the maximum number of days allowed. Non-work days count toward the 45-day limit if evidence of inability to perform regular duties exist on those non-work days; and
- 71 - LWOP (this is to be used for absences for military duty and any non-pay status - explain in the remarks section of the T&A).

T&A's must always account for 80 hours. If less than 80 hours were worked during a pay period, use entry 71 - LWOP for hours not worked.

Military Leave

Members who are also members in military reserve units will be allowed to complete their two weeks of required military reserve duty. They will not receive any compensation for this period of time and will not be credited time towards the 1700 hour community service requirement. They will be carried as LWOP on the Time and Attendance Report. They will have to make up this loss of time in order to complete the 1700 hours. In the event they cannot make up this time, they may, at the discretion of the Department, be granted an early release for "compelling personal reasons" and be awarded a pro-rated share of the education award. This exemption to allow a "leave of absence" does NOT apply to training or duty beyond the annually required two weeks. Leaving an AmeriCorps Program to perform such additional duty or receive additional training may result in the member losing their education award.

Jury Duty

Jury duty is part of a member's "civic duty". As such, time spent on jury duty (or just going to find out if you will be called) does count as hours of service performed toward meeting the 1700 hour minimum. In addition, the member should be paid their normal daily salary minus any amount they receive from the jurisdiction in which they are performing or answering a call for jury duty.



Personal Emergencies

Members should use excused absence hours for personal emergencies. Supervisors can approve LWOP for extended absences. Upon return, the AmeriCorps Member and the supervisor are to develop any necessary make-up schedules.

Work Schedules

Local agency supervisors are responsible for developing work schedules. USDA recommends a 40-hour work week (including training). Local supervisors have the authority to adjust schedules to meet project needs and/or to assist members make up lost time. Supervisors are cautioned about scheduling time to insure that a member serves a minimum of nine months, does not exceed a maximum of 1,812 hours, and does not exceed a maximum of twelve months. In some instances this may be difficult but there is no flexibility in these three requirements. Supervisors will also have to keep a careful record of hours of excused absence used by each member.

ID Cards

AmeriCorps Members will be issued Form AD 1096 (USDA) (8/94), the USDA/AmeriCorps identification card. Forms will be sent to each agency for issuance to members.

Attire/Uniforms

It is expected that all AmeriCorps Members will be proud of their service and will reflect that pride by wearing the AmeriCorps uniform. Upon entering AmeriCorps, members will receive a T-shirt, sweatshirt, hat, and pin. This complete uniform must be worn at official AmeriCorps events. In addition, the Department's policy is that, at minimum, Rural Development Team Members will wear the pin at all times and Anti-Hunger Teams and Public Lands and Environment Team Members will wear either a T-shirt, sweatshirt, hat, or a pin while on duty. However, USDA realizes that work projects and work conditions will vary considerably around the country. While members must wear the other items whenever appropriate, the local project manager may decide to vary the attire based on weather, safety, and work conditions.

The Department intends to purchase a minimum set of uniforms for the FY 1996 USDA AmeriCorps Program. Agencies that wish to purchase additional items should remind their procurement offices that CFR 48 Federal Acquisition Regulation, Chapter one, Subpart 8.6, designates the Department of Justices' UNICOR, Federal Prison Industries, Inc. as a mandatory source for uniforms. There is no bid or competitive process required to use UNICOR. The point of contact is Ms. Wanda Moody, UNICOR at the Federal Correctional Institution, Jesup, GA 31545. Whatever uniforms or patches are procured they should clearly identify the members as belonging to a USDA AmeriCorps Program. The Department will provide the logo and all agencies are reminded to follow the Corporation's rules governing the use of the AmeriCorps logo.

Drivers License

AmeriCorps Members who possess a valid State driver's license may, if required, drive a government vehicle. The exception to this is members less than 18 years of age may not operate a Government vehicle.

Members over 18 years of age and have the proper state driver's license are covered under the Tort Claims Act and are authorized to drive a government vehicle or their own vehicle in the performance of their duties.

Travel Expenses

Temporary duty travel expenses may be authorized (type C only) and reimbursed according to Federal Travel Regulations. Reimbursement will be paid by the host agency. No relocation expenses will be authorized or paid.

Transfers

A transfer is defined as an AmeriCorps Member who retains the service hours s/he has earned and applies them toward the completion of her/his education award by either: 1) moving to a different geographic site within the same AmeriCorps*USA program or: 2) moving to a completely different AmeriCorps*USA program. In both cases, all parties involved are fully cognizant of the transfer situation and schedule before it occurs. While the transfer may occur to meet compelling personal circumstances, the transfer should also meet programmatic needs. Please keep in mind that a member technically has no right of transfer within a program as an individual. Thus, a transfer should not occur solely because a member would like a change of geographic environment.

1) Within the same AmeriCorps*USA program.

While the transfer may occur to meet compelling personal circumstances, the transfer should also be based upon legitimate programmatic reasons such as community need, service activities, or organizational capacity. For example, a National Direct program with subgrantee sites in Nashville and Indianapolis may find that in Nashville there is a greater need than in Indianapolis for more members than expected. Thus, based upon community need and the capacity of the Nashville site, members can be transferred. In all cases, the members cannot be forced to transfer.



In all cases of a transfer within a program, the appropriate funds and education award allocation may be transferred to the new host site in order to cover the related participant support costs. Generally, the education award allocation and funds for the members' living allowance are administered by the relevant host site.

When such a transfer occurs, the original Site Director must complete a Change of Status/Term Form and send the original to their agency headquarters and a copy to the new site placement Director and the member. It is not necessary to complete another Trust Enrollment Form.

2) Between Different AmeriCorps*USA Programs.

The transfer of a member and her/his relevant service hours from one AmeriCorps program to another must be done within certain parameters. Foremost, the "Transfer Member" must be leaving Program A for a compelling personal reason as determined by Program A. The "Transfer Member" must apply to and be accepted by Program B. In order to offer enrollment to the "Transfer Member", Program B must have an available slot in the incoming member class.

In such a transfer situation, no funds are transferred from Program A to Program B. Rather, the appropriate funds are either used by Program A to fill the vacant slot or returned to the Corporation. In all cases the Program A Site director must complete a Change of Status/Term Form and send the original to the CNCS and a copy to the Program B Site Director and the member. It is not necessary to complete another Trust Enrollment Form.



Terms of Service

USDA will operate the AmeriCorps Program primarily as a full-time member program. However, part-time members are authorized upon approval from the Department. Full-time members must serve a minimum of 1700 actual working hours which provides direct community service (excluding excused absences and Federal holidays) during a period of not less than nine months and not more than one year. A member may spend up to 20 percent of his/her time on training.

Unless there is a compelling reason, members who fail to complete the minimum amount of hours will forfeit the educational grant.

The Term of Service for USDA/AmeriCorps full-time members will be scheduled for 1,812 hours. The difference between 1,812 and 1,700 hours will allow payment for excused absences (40 hours) and Federal holiday (72 hours).



Part-Time Members

A project may elect to have part-time AmeriCorps Members. However, they must get approval from their Agencies and it must be an integral part of their program. Agencies must contact the Department, who will in turn seek approval from the CNCS.

Members may be part-time under the following conditions:

- An individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 900 hour during a period of -
 - 1 - not more than 2 years; or
 - 2.- not more than 3 years if the individual is enrolled in an institute of higher education while performing all or a portion of the service.

The Term of Service for part-time members would only be 952 hours. This is 900 hours of service plus four holidays (32 hours) and two and a half days (20 hours) of personal leave. Part-time members are not eligible for AmeriCorps health care or child care benefits. They will receive all the other benefits that full-time members are entitled to receive. They must also receive the same degree of training that full-time members receive.



Instructions for Payment of Part-Time Members

1. Using a Nature of Action code of 515 (conversion) enter a grade of 00 and a step of 00 for the member.
2. Give the hourly pay rate.
3. If this is a person being converted from full-time to part-time, do a SF 52, use the 999 block to explain what you are doing and change from Grade 00 step 01 or 02 to step 00 and list the new hourly pay rate.

Note: Hourly rate for part-time members must be computed by multiplying the annual living allowance for full-time members by 52.94% to get the part-time living allowance, then dividing the part-time living allowance by 952 hours.

For FY 96 - $\$7,945 \times 52.94\% = \$4,206/952 = \$4.41$ per hour.



Non-Completion of Service Hours

There are at least two different non-completion situations.

1) Program non-completion

If a full-time AmeriCorps Member is enrolled in a program and is released for cause or leaves the program for a personal reason that is not compelling as determined by the program, the member cannot receive any portion of her/his education award

Completion of the required number of service hours is not the only criteria that must be met before a member is eligible for an education award. The member must also satisfactorily complete assignments, tasks, or projects and meet any other performance criteria that has been clearly communicated at the beginning of the term of service and are contained in the Member Agreement form. Thus, if a member has completed 1700 service hours but, for non-compelling reasons, does not complete the service program, this member is not eligible to receive any portion of the allotted education award.

In both situations, the Program Director must fill out both a Change of Status/Term form and an End of Term of Service Form indicating Early Terminated for Cause. The member must fill out an Exit Form. Again, remember to make a copy for your records and forward the original to agency headquarters. If the member signed the form, provide them a copy.



2) Service hours non-completion

At the end of a program, if a full-time AmeriCorps Member falls short of completing the required 1700 service hours for a compelling personal reason but has completed at least 255 hours, s/he is eligible to receive a pro-rated education award. For example, an AmeriCorps Program became operational in September 1994. An AmeriCorps Member joined the program in its January 1995 class, fully intending to participate in a 12 month program. However, the program's funding is not renewed and the program is forced to close its doors in September 1995. The member has completed only 1400 service hours and is unable to fulfill the remaining 300 service hours. In such a case the AmeriCorps Member would be able to receive 1400/1700th of their education award because the termination of the program was beyond the member's control and is considered by the program to be a compelling personal reason. The Program Director must fill out both a Change of Status/Term form and an End of Term of Service Form indicating: "Compelling Personal Circumstances." The member must fill out an Exit Form.

However, if the program is refunded, the member should be allowed to finish the remaining three months of the program and complete the remaining 300 service hours.

If however, a member completes the program but fails to earn 1700 hours by the end of the program because s/he had too many unexplained absences, then if the program certified successful completion, the member may get a part-time education award for at least 900 hours of service.



Multiple Terms of Service

A term of service may be a full year program or a summer program. Individuals may participate in more than one term of service. However, the maximum number of educational grants an individual may receive is limited to two.

To be eligible for another term of service, an individual must receive a satisfactory performance review(s) for any previous term(s) of service. Mere eligibility for an additional term of service does not guarantee selection or placement. Members should also be aware that budget constraints may lead to situations where the living allowance they receive in the second term of service is lower than the first term of service.

Supervisors must make recommendations for continued or additional service. Members' eligibility for second or additional terms of service must be based on at least a mid-term and end-of-term evaluation of members' performance that focused on factors such as:

- whether the member has completed the required number of hours;
- whether the member has satisfactorily completed assignments, tasks, and/or projects; and
- whether the member has met any other performance criteria that were clearly communicated both orally and in writing at the beginning of the term of service.



Filling Vacancies

The CNCS desires to create cohesive "classes" of members who start programs in September, January, or June and who complete the program as a class from nine to twelve months later. This however is the ideal and not always the reality. The inability to fill vacancies during the course of the year can have a negative impact on projects. Therefore, vacancies may be filled at any time during the year. However, when possible the CNCS would like to stay with the class concept. Programs are encouraged to fill empty slots at the start of the next term of service. This will ensure the same comprehensive training and orientation to replacement Members as was provided to members of the first class.

Provided their job performance is deemed satisfactory, AmeriCorps Members who enroll at the start of a second or third class would continue with the program in the following program year in order to accrue the 1700 hours of necessary service for a full-time education award. With the approval of the Corporation, a program may also convert the full-time slot to a part-time slot and ensure that the replacement AmeriCorps Member serves at least 900 hours. Should the program not be renewed, the CNCS would try to place the Member in another AmeriCorps program; failing that, the affected member would be eligible for a pro-rated education award if they have completed at least 15% of the necessary hours. AmeriCorps Members enroll with the expectation that they will complete their term of service; they may not be offered a pro-rated education award at the time they begin their term of service.



End of Term of Service

When a member leaves National Service, two forms must be completed for the Corporation:

National Service Trust End of Term of Service Form
(Appendix S)

AmeriCorps Member Exit Form (Appendix T)

These forms should be mailed immediately to your agency national headquarters. You should retain a copy for your records and you should give the member a copy of at least the National Service Trust End of Term of Service Form.

Also, an SF 52 for resignation should be submitted to personnel. Member must sign the back of the SF 52. It is not necessary to give a reason for the resignation.

If a member is entitled to an educational award, the CNCS will send a letter to the member informing them of the amount of the award. This letter may be presented to a loan holder or a school. The loan holder or the school will contact the CNCS for payment. Payments will be made directly to them, not to the member. When payments are made, the CNCS will notify the member of the amounts and the balance in the account. Letters should be received within 20 days of completing a term of service. The letter will automatically be sent to the permanent address furnished by the member, so it is important that the members keep the National Trust Fund informed of any address changes.



Instructions for Continuation of AmeriCorps Members Past the 1812 Hour Limit

1. AmeriCorps Members must work a minimum of 1700 hours to earn the full post service award. The only maximum is that their service period cannot exceed 12 months.
2. It is possible that a program has money to continue paying an AmeriCorps Member beyond the standard 1812 hour limit of the USDA AmeriCorps programs. If an agency wants to continue a program and the work is AmeriCorps work, the members may be retained beyond the 1812 limit provided they receive the same pay and benefits that they received during the 1812 hours.
3. To be able to pay them using NFC, the current "Not to Exceed" date given for the member must be changed so that they can be paid beyond that date.
4. If the member is to be doing work that is not AmeriCorps related, you must be aware of two conditions:
 - a. The member can't be paid less than minimum wage and is now subject to the same rules and provisions as others who would be doing the same work under whatever program the agency chooses to pay them.
 - b. The member may be prohibited from re-entering the AmeriCorps program next year, because they will be considered a recent Federal Employee. We cannot enroll into the AmeriCorps Program personnel who have been Federal Employees in the last six months prior to entering AmeriCorps.
5. If a member works beyond the 1812 hours, they do not get any additional post service education award.



Authorization to sign End of Term of Service Forms

Supervisors, project managers, or project directors may sign this form. The names of personnel who will be signing these forms must be submitted to your agency national headquarters. Keep in mind that the person signing this form is certifying the number of hours served and whether the member is being released for cause or for compelling personal circumstances. Agencies should have accurate lists of certifying officials. Educational awards can only be made to individuals who have a form on file signed by an individual on records as authorized to sign.

Member Release

Members may be released for:

1. for compelling personal circumstances; or
2. for cause, as defined by the Corporation and by the program's member agreement.

Written documentation is required whenever a member is released. Supervisors have the primary responsibility for determining when to release a member. Members released due to compelling circumstances may receive a pro-rated educational award while members released for cause shall not.

Compelling Circumstances

The project manager/supervisor is in the best position to determine whether a member's personal circumstances are sufficiently compelling to justify release on this basis. If the project manager determines that there is justification for release, Agency National Headquarters must be notified. The Agency, in consultation with the Department, has the approving authority for release. If release is approved for compelling personal circumstances, we may elect either to authorize a pro-rated education award or to temporarily suspend service for up to two years. In order to be eligible for a pro-rated education award, a member must have served a minimum of 15 percent of his or her term of service. If the member is released on the grounds that an accommodation of a disability would impose an undue burden, we must document our determination and notify the CNCS. Such circumstances are to be considered "compelling" for purposes of this clause.

Some examples of reasons which could justify the early release of a member and entitle the person to a portion of an award:

- Sickness or critical illness of the member
- Death or critical illness of a member of the member's immediate family (spouse, parent, sibling, child, or guardian).
- Termination of a project site if reassignment to another project is not possible.



Release for Cause

Members may be released for cause according to the conditions of the Corporation and the members contract.

Members shall be released for cause if they are convicted of a felony. If members are charged with a violent felony or the sale or distribution of a controlled substance, they must be suspended from service without a living allowance and without receiving credit for hours missed. Additional provisions for releasing members for cause shall be added to the member agreement.

Any member that drops out of a program without obtaining a release for compelling personal circumstances is considered to be released for cause. A member released for cause may not receive any portion of an education award. A member wrongly released or suspended for cause will receive credit for any service missed and reimbursement for missed living allowances as specified in 45 CFR, 25232.230

All adverse action cases shall be thoroughly documented. The supervisor must write a complete, detailed statement of the incident(s). Include documentation of interviews with the member and written statements from individuals involved in the situation. Also state when the member was informed and understood the level of performance and/or conduct expected, and to whom (if any) the member was referred for assistance.

Records of proposals for release must be sent immediately to the Regional or State office. The release process shall be completed no earlier than 15 days from receipt of the proposed action unless the member's presence constitutes an emergency or a threat to other individuals. The member must be provided with a written notice stating the grounds for release and appeal procedures, including time limitations for filing an appeal; and the member must be provided ample opportunity to respond either orally or in writing to the charges.



The following are examples which would NOT justify the member receiving an award:

- Terminating to go back to school.
- Terminating to get a job.
- Terminating because member does not enjoy the work.
- Terminating because of the size of living allowance.
- Terminating to move.

Both the CNCS and the Department feel strongly about enforcing this regulation for termination. If a Project Director has any questions regarding Termination for Compelling Personal Circumstances, consult with your Agency contact in Washington, D.C.

Notice to Corporation and National Service Trust

The Department must notify the Corporation and National Service Trust immediately whenever it suspends or terminates a member, whether for compelling circumstances or for cause.

Reinstatement Rights

AmeriCorps members who, through no fault of their own, lose substantial service time, with the approval of their supervisor, may be allowed to return to projects if they can reasonably and safely complete their term of service.



Resumption of Service

Any member whose service was suspended because of being charged with a violent felony or sale or distribution of a controlled substance may resume service if he or she is found not guilty or if such a charge is dismissed. Any member whose service was suspended because of being convicted of a first offense of possession of a controlled substance may resume service by demonstrating that he or she has enrolled in an approved drug rehabilitation program. A member convicted of a second or third offense of possession of a controlled substance may resume service by demonstrating successful completion of a rehabilitation program. In addition, any individual released for cause who wishes to reapply to the program from which he or she was released or to any other AmeriCorps program is required to disclose the release to that program. Failure to disclose to an AmeriCorps program any history of having been released for cause from another AmeriCorps program will render an individual ineligible to receive the AmeriCorps educational award, whether or not that individual successfully completes the term of service.

Returning Members

A returning member is defined as a member who leaves a program for a compelling personal reason but intends on completing the term of service in the future with the same or a different AmeriCorps*USA Program. Upon leaving Program X, the director must complete the Change of Status/Term Form and indicate that the member is "Suspended with intent to transfer." The Director then sends the completed form to their agency headquarters. The member must keep a copy of the Change of Status/Term Form and the National Service Trust will hold the service hours in a pending status.

When the member applies and is accepted into Program Y within the two-year period of suspension, s/he presents the Program Y Director with the copy of the Change of Status/Term Form in order to reinstate the member and allow service hours to transfer. It is not necessary for the Program Y Director to complete another Trust Enrollment Form.

If the member does not join another program within the two year period, s/he will automatically become eligible for a pro-rated education award two years from the transfer date provided that s/he had completed at least 15% of the necessary hours. If the member will not be able to return, s/he should notify the CNCS or the Director of her/his original program sometime within the two-year period.

Discipline Policy

USDA has assumed a sponsorship role for AmeriCorps Members. Part of the responsibility that goes with this sponsorship role is to provide mentoring and assistance to our members. Supervisors are encouraged to reach out to members who are having problems. Many of our AmeriCorps Members will be young people with few problem solving skills. It is our job to provide new skills that will reduce their problems to manageable levels. Many times problems that manifest at the work place can be resolved when someone takes an interest and offers to help. Often just listening can help. Supervisors are encouraged to go the extra mile with members before resorting to any type of formal discipline. However, when all efforts fail to resolve problems which affect the work place, supervisors should follow the discipline path outlined following this paragraph.



Steps to Follow for Discipline of AmeriCorps Members

Members shall be informed in writing of alleged improper conduct or work deficiencies within seven days of occurrence of the incident. Four types of adverse actions may be used to correct performance or conduct problems.

1. **Verbal Reprimand** - use the verbal reprimand to correct minor infractions. This is an informal method with explicit dialogue between the member and the supervisor. The supervisor must ensure that the member knows the level of performance or conduct expected, and that the member understands the nature of the specific deficiency in his/her conduct or performance. The supervisor shall document the specific dialogue of verbal reprimands.
2. **Written reprimand** - action taken to correct a single serious offense or a long series of lesser offenses. It will be used as a means of informing a member of unacceptable performance or behavior. This will inform the member that failure to show improvement within a reasonable period of time may be cause for release.
3. **Suspension** - members may be suspended for one or more days for serious infractions. Written documentation is required. The member will have to make up any lost time.
4. **Release** - supervisors may release, for cause, any member whose conduct and/or performance is unsatisfactory. This action will be taken if a member persistently refuses to accept corrective action and/or to conform to reasonable standards of performance or conduct.



Appeal Procedures

Within 15 days of receipt of the decision to release, the member may appeal the adverse action taken by the supervisor, to the following appropriate levels:

1. Project Director or appropriate line officer;
2. State or Regional line officer, if not resolved at the Project Director level; and
3. Agency Head, Washington office, if not resolved at the State or Regional level.

Refer the member to a 74 counselor and/or to the nearest personnel office for assistance in filing an appeal.

A member who is wrongly released or suspended for cause will receive credit for any service missed and back-pay for missed living allowances. The legislation further describes the conditions under which members whose service has been suspended may be reinstated, the impact of release for cause, and the grievance procedure available to members. (See 45 CFR, Chapter XXV, Section 2522.230)



Grievance Procedures

Americorps Members have the right to file grievances.

The deadline for filing a grievance, except for a grievance that alleges fraud or criminal activity, is one year after the date of the alleged occurrence of the event that is the subject of the grievance.

The deadline for the hearing and decision are as follows:

- **Hearing** - a hearing on any grievance shall be conducted not later than 30 days after the filing of the grievance.
- **Decision** - a decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

Arbitration:

- In general -

Jointly selected arbitrator - in the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

Appointed arbitrator - if the parties cannot agree on an arbitrator, the Chief Executive Officer shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance.

- **Deadline for proceeding** - an arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding or, if the arbitrator is appointed by the Chief Executive, not later than 30 days after the appointment of such arbitrator.
- **Deadline for decision** - a decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.
- **Cost** - in general the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration. An exception to this is if as part of the decision, costs are placed on one party.

