

Transcript: AmeriCorps VISTA Training Call on the Interim Disallowance Guide

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Speakers:

Laura, Operator [O]

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Mark Wilson, Program Specialist, AmeriCorps State National, CNCS [MW]

(0:00)

[O]: Welcome and thank you for standing by. At this time, your lines have been placed on listen only until we open for questions and answers. To ask a question, you may touch star-1 on your touchtone phone. Please be advised today's conference is being recorded. If you have any objections you may disconnect at this time. I would now like to turn the conference over to Mr. Brian Cognato. Please go ahead, sir.

[BC]: Thanks very much, Laura. Thank you all for joining us today. For those of you who don't know me yet, I work in the Office of Grants Management, specializing in Criminal History Checks and we also have with us Mark Wilson, a Program Specialist with AmeriCorps VISTA.

[MW]: Hello everybody.

[BC]: Today we're going to talk about a document released by CNCS just earlier this week. Before we get into that though, I'd just like to say that I had the opportunity to meet a few of you at the regional National Service Trainings this year, and I'm really looking forward to new opportunities to work with and get to know you. I'm relatively new to CNCS and as many of you know, this topic does not interact with AmeriCorps VISTA all that often. So I'm excited to have this opportunity to share this information with you and to hear from you and what you're thinking.

As I mentioned the topic for our call today is going to be a document that CNCS put out just earlier this week called the National Service Criminal History Check Interim Disallowance Guide. Mark, did that document go out via email?

[MW]: Yes, there's a link in the latest invite to this call.

[BC]: Fantastic. We do highly recommend that you pull out that document and have it handy for this call. If you don't have that email, you can also get it on our Knowledge Network page, which I usually get to just by searching for "CHC CNCS" and it will be the first link under "Compliance." [Editor's Note: It has since been moved to the "Enforcement" section of that page.] Again, it is titled the NSCHC Interim Disallowance Guide.

[MW]: If you want a quick link actually, you can type into a web browser, "go.usa.gov/3FNSV."

[BC]: Thank you, Mark. That does just go to show how helpful we think that document is, in taking all this time to make sure that you can pull it out and have it handy. We do strongly, strongly, strongly recommend that.

Hopefully some of you had an opportunity to look at this document before this call. There is a lot of information in this document, and it is addressed primarily to those who monitor grants, our staff and some of our prime grantees, so we won't discuss every item in it. It does have some very important implications for grantees, however, and we want to be sure that you understand it and how it changes our approach to CHC noncompliance in the future. That's what we'll primarily be talking about today, because we want to make sure you understand it, you understand how it changes our approach to CHC noncompliance and you understand what you can do to manage risk for your organization in the future.

We'll specifically be talking about four topics, and we will use concrete examples wherever we can to try to make this document very clear. The four topics we'll focus on are:

- The context;
- Risk-based disallowance, a new term we'll talk about a lot;
- A disallowance cap and self-reporting; and
- What you can expect from CNCS in implementation.

We encourage you to ask questions, as this is a new system and we want to be very transparent about it. However, to help manage time, we will ask you to hold your questions until designated times.

One last note before we begin. The Criminal History Check requirements in the world of AmeriCorps VISTA apply - Mark, I want to make sure I get the language right - is it only to program-funded and support grants? Did I get that right?

[MW]: Yes, and sometimes they're called "operational grants." The real key thing to know is that in AmeriCorps VISTA it's only your grant-funded staff members that are covered by this policy because all AmeriCorps VISTA members are given a Criminal History Check at pre-service orientation through us at the Corporation for National and Community Service.

[BC]: Great, so it's only for those programs that have grant-funded staff that this applies to, and we'll try to use some examples just to re-emphasize that. It's always important to point that out. So let's go ahead and dive in.

(5:09)

I. The Context

To understand this system, it helps to look back and discuss what has come before. First, as you all know, the CHC requirements are a priority for the Corporation for several reasons. They are a vital safeguard required by law, and we bound to enforce them. As our CEO has said, our expectations for the CHCs are on-time, every time, and grantees that do not meet that standard can expect to lose out on grant funds.

As many of you also know, there is also greater focus on accountability within the federal government in general, as you've seen through processes like IPERA, which several of you have been involved in. This is such a focus now partially as a result of that shift, as we strive to meet the high standards of accountability that we all expect from a federal agency. Recognizing that, in April CNCS adopted a policy specifying that cost disallowance would be the standard enforcement action for most cases of CHC noncompliance. In many ways, that is not actually new – CNCS has long disallowed costs for this kind of noncompliance – but we standardized that and made it policy because of our commitment to accountability. This followed the Assessment Period in late 2014, when, as many of you know, CNCS asked all of you to review your CHC files, with the expectation that if you corrected any errors that you found, costs would not be disallowed based on those issues. You all made substantial efforts to meet that request, and hopefully, it provided an opportunity for you to address any large, systemic problems. I do have to say, our grantees really put forth a Herculean effort to meet that Assessment request. We understand that over 115,000 files were reviewed across all of CNCS as a result of that, so thank you for your cooperation. Now, post-Assessment, there is this focus on accountability, because the understanding was if you corrected those errors there would be no cost disallowance based on that noncompliance. After providing that opportunity, we have formally committed to prioritizing accountability, as reflected in our policy on enforcement.

The system that we are discussing today is an attempt to balance those high standards for accountability with the recognition that your work is the aligned with our Agency's mission, particularly in this case, where your work is one of the founding elements of the whole national service space. What we're here to talk to you about today are some important changes in how we execute that policy. Cost disallowance is still the standard enforcement action for CHC noncompliance, but we're going to do it in a very nuanced way to align our enforcement with our goals, which are compliance and allowing you to do the vital work that you do. As we discuss this approach, we hope that you feel it accomplishes a few key goals:

First, it recognizes that not all noncompliance is the same and treats minor administrative errors differently than flagrant noncompliance.

Second, it has several mechanisms to avoid disallowances that would cripple a grantee in all but the most severe cases.

Finally, it provides real benefits for those organizations that take compliance seriously and utilize some best practices.

(9:27)

II. Introducing Risk-Based Disallowance

Let's discuss the basics of how this system works. Now we're going to move to the second topic on our agenda, risk-based disallowance. It's easiest to do that by comparing it to our old system, and we'll use an example to help us understand the differences. Try to write down this information to help you follow along, because we'll be using it often.

In our example, we'll be discussing a VISTA program with three covered positions, a Program Director, a Member Support Specialist and a Finance Specialist. On a monitoring visit, the CNCS staff person begins reviewing for compliance and they find that the Program Director's file has not been compliant due to an unacceptable vendor check. While it contained a search of nationwide criminal history information, it did not use the right repositories. This is a problem, as we all know, because for a compliant state check, you must use the official state repositories posted on our website. This vendor did not use these repositories. Therefore, this check is out of compliance. This is actually a very common problem that we see. The organization has done everything else right – conducted an NSOPW on time, initiated an FBI check on time, and maintained all their documentation correctly. This staff person actually started on the grant two years ago, meaning that they have been out of compliance for two years.

With those facts, what happens next? Under our old system, the program officer would first direct the grantee to conduct corrective action; that is, correct the checks. Next, they would begin to calculate an amount to disallow – as we mentioned, that's the standard enforcement action for CHC noncompliance. Previously, cost disallowance would extend from the date the individual started on the grant to the date the issue was identified – in this case, two years. The amount that would be disallowed would be all of their salary on the grant. Let's say this staff person charged \$50,000 annually to this grant – that would be a disallowance of \$100,000.

You can imagine how that would continue to escalate if the other staff had the same issue. They might also years of stipends that would be disallowed. The result is that an organization that tried to substantially comply, would be facing a major cost disallowance as a result of a well-intentioned effort. That is not our intention and we know that is a serious concern among our grantees.

Our new system aims to avoid this exact scenario. Unlike the old system, which focuses on time and compensation, this new system focuses on risk. Its core components are outlined on pg. 4 of the Disallowance Guide. At the top of that page, you see a table that outlines our new system of disallowance, and it's based on only two variables. The first variable, in the rows, is what you have actually done to protect vulnerable populations, that's what's captured in the Mitigation Ratings. You'll see some more in-depth definitions there. I won't spend too much time on that know, just know that these Mitigation Ratings are trying to capture how safe vulnerable populations are. More efforts to protect vulnerable populations will result in lower disallowances, even if they are not technically compliant with the law. The other variable is in the columns in that table, and that's the extent that noncompliance is distributed throughout the portfolio. In particular, we're looking to find out if it is an isolated issue or a systemic issue. We define the line between those two things at 50%. So if it occurs in

less than or 50% of the portfolio of files, we say that's an isolated issue and that's what we see in the left-hand column. If, however, it's a systemic issue, which we define as occurring in more than half the files, that's going to occur in more disallowance. That's in the right column of the disallowance matrix.

(15:06)

Just to recap, those are the two variables we're using in the new cost disallowance system and they result in a single, per-file disallowance amount. Of course, we still expect full, on-time, every time compliance, and if you do that, no costs will be disallowed. But if you don't meet that standard, the enforcement action can take into account other steps you have taken to protect vulnerable populations. In addition, time and compensation is irrelevant. It doesn't matter how long an individual is serving, or how much time they charged to the grant. Just those two variables – what you have done to comply and how widespread the issue is. We expect this to result in much more reasonable amounts in most cases. The amounts will still be meaningful, to incentivize compliance, and those that are grossly out of compliance can still expect a strict response, but enforcement will pose existential threats to organizations much less often.

Let's turn to our example. Remember, we have a VISTA program with three individuals in covered positions. We've reviewed one file, found it was out of compliance with an incorrect vendor check, and we said that they were charging \$50,000 annually to the grant.

What happens in the new system? When a Program Officer finds a file out of compliance, they will still start by directing the grantee to immediately correct the check. That will happen on-site, not 30 days after the visit. That has been, and will remain their first step. But then, instead of calculating disallowance based on time and compensation, they would use the matrix. The next task will be to identify a mitigation rating. Again, these are what you see in the rows of the chart at the top of the page. They are defined in the boxes below that. The definitions are a little technical, but the general idea is that the more you have done, the lower the disallowance amount will be. Even some things that are not compliant, like a vendor check that doesn't include information from the right repositories, can count as mitigation. You can read more about what counts as mitigation here and on pgs. 5-6 of the Guide. One of the things that we consider to be mitigating circumstances is a vendor check that includes a nationwide search of criminal history information, even if it doesn't include the state repositories. That check, again I want to be very clear, would still be noncompliant. There would still be cost disallowance. But, in terms of what is disallowed, it is more helpful to have that check than not, because we have these mitigation ratings that try to take into account what you are doing to protect vulnerable populations. And that's what you see in the rows on the top of this table. In the case I described, where they did everything right except using a vendor that did not use the right repository, the individual would have "Substantial Mitigation."

So we've got our first variable, now we need the next variable. Next, the PO will look at compliance within your portfolio as a whole. In other words, they'll look at those other two files, and try to determine if it's a systemic problem – occurring in over half the portfolio – or not. That's demonstrated in the two columns at the top of the table. That results in a single per-file disallowance amount, by combining it with the mitigation rating. In my example, if it was an issue in only one file, the

disallowance would be \$250 (Substantial Mitigation x <50%). Not \$100,000, like it would be in the old system. Even if it was a systemic problem, across the whole portfolio, it would be \$500 per file (Substantial x >50%) times three files, \$1,500. We recognize that is a substantial amount of money, but that is still an order of magnitude less than it would be for even one individual otherwise, let alone the disallowances associated with other staff, and that's the case only when it is a very widespread issue.

It is important to point out that in adopting this approach, an enforcement mechanism with no cost disallowance was simply not an option for CNCS. We believe this more balanced approach was the best feasible option, in that it incentivizes compliance in a real way but also respects your alignment with our mission and it doesn't starve you of the resources you need to get into compliance. There are two additional, important components of this system, a disallowance cap and an incentive for self-reporting, which we will discuss shortly. First let's take some questions. We realize this is very new. It's new to CNCS as well, so we don't want to take some questions and have an opportunity to answer them.

Laura, can you line us up for some questions?

[O]: At this time if you would like to ask a question, please press star-1 on your touchtone phone and record your name clearly when prompted. One moment please.

[O]: We have a question from Katie Schaeffer. Your line is open.

[Katie]: Hello, thank you so much for having this. I really appreciate it. I have two questions. My first is it seems that if CNCS did the checks that we could always be on-time, every time. So I'm curious if there's anything in place to do that, so that staff have a check done the same way that members do. My second is to make sure that we also have to be in compliance with state laws in sharing criminal background checks, and I was just wondering what's been done to ensure that we're meeting what our state requirements are about sharing criminal background checks.

[O]: Ok, great. To the first question, about if CNCS could do this for everyone, there are a couple of reasons why that is quite logistically difficult. One is, of course, these terms and conditions, like all terms and conditions, are grantee responsibilities. They do flow through the grant and, just like you're responsible for allowable costs and things like that, they are grantee responsibilities. In addition, we don't necessarily know all the individuals in covered positions. Those are included in the budget that you submit to us, and then you have all the interaction with those individuals. It's different for a VISTA member that comes through a more standardized on-boarding system. That is, Mark, correct if I'm wrong, a quasi-government employee?

[MW]: We don't like to use that term except for very, very limited purposes, but the real piece of why it's possible with VISTA members is we have them physically in one place for pre-service orientation, so we have a contractor that is there to take a fingerprint, whereas, Brian as you mentioned, with grant-funded staff the application for federal assistance doesn't ask for the name of the staff member. We don't necessarily know who that staff member is until we do a monitoring visit.

[BC]: Let alone getting fingerprints. I will say that we do have some things in the works. We do have other ways to lower the barriers and simplify the process, so we will talk about that, but that's a logistically challenging option. For the second question, Mark, did you remember the second question?

[MW]: It was that state laws vary state-to-state about sharing criminal background checks.

[BC]: Sure. To the extent that state laws conflict with anything in the criminal history check process, that's why we have the ASP [Alternative Search Procedure] process setup. We know that is the case, but of course it is the case on a case-by-case basis. Organizations that feel they cannot comply with the CHC process are open to submit one of the Alternative Search Procedures to us. You can find information about how to do that on our website, the same place you would find the Disallowance Guide. Your Program Officer can also get it to you. There are a couple of what we call "blanket ASPs," which have already been approved for everyone and that don't require an additional approval, for example in instances where sharing information is not possible. But if there are other state laws or requirements that conflict with ours there is this process to go through so that we can review it just to make sure everything makes sense. If that's the case, we will never tell you to break state laws. That would be an approvable ASP.

[Katie]: Thank you.

[O]: Thank you, the next question comes from Martha Pay. Your line is open.

[Martha]: About how often should these background checks be repeated? Should they be redone every couple of years, every five years? What is the time frame?

[BC]: Our requirements is actually only that they're done once, if an individual never leaves work or service. If you do it once, right at the start of work or service - and if this is news to anyone, please be aware that some of these requirements are time sensitive, so you should do it once right before someone starts work or service - if they never leave, then they never need to be redone. You may choose within your own organization to go above that standard. In some circumstances, it might make some sense to do it regularly or to subscribe to some kind of service that lets you know if there are any new hits, things like that, but that's not our requirement. Our requirement is that it's done once, unless someone leaves. Even if they leave and come back, they have to be gone for more than 120 days before you have to re-do them. [Editor's note: Brian misspoke and said "they have to be gone for 120 days or more" in the actual call. The actual requirement is more than 120 days. That has been corrected in this transcript for accuracy.] Does that answer your question?

[Martha]: Yes, it does. Thank you.

[O]: Thank you. And at this time, we have no further questions.

[BC]: Okay, great. If there are no questions, we'll move on to the next agenda item that we want to discuss. It's really two in one - the Disallowance Cap and Self-Reporting

(24:43)

III. The Disallowance Cap and Self-Reporting

A. *The Disallowance Cap*

Now that we understand the system in general, and hopefully understand how it better balances the need for accountability with our goals of supporting your work, we want to discuss two additional components that will help those grantees that strive for compliance.

The first of these components is a disallowance cap. In most circumstances, disallowance is capped at 25% of the federal share of the award. In our earlier example, we used small numbers to simplify the math, and we know that's usually in the case in VISTA, but for illustration purposes, let's say that there were 100 covered positions instead of 3. I know that's a large number in the case of VISTA, but it will just help this example make a little more sense. Assuming they were all out of compliance with substantial mitigation, as before, that would amount to a risk-based disallowance of \$50,000 (100 x \$500).

However, what if the federal share of the award was only \$100,000? What this cap means is that a program officer would compare their calculated disallowance, \$50,000, with 25% of that amount, the federal share. In our example, the federal share is \$100,000, 25% of that is \$25,000. So instead of that calculated \$50,000, the disallowance amount would be that cap, \$25,000. Here we see another difference between this system and the old-system – this system is firmly scaled to the size of the award, whereas the other system was relatively open-ended, possibly extending even across grants.

There is one more important caveat to the disallowance cap. Program officers do have some discretion to enforce an amount higher than the cap in cases of gross noncompliance. If a grantee is flagrantly not complying even after attempts to bring the grantee into compliance, there is a way for them to escalate the issue. That should happen rarely, but we do want to acknowledge it's a possibility.

(28:26)

B. *Self-Reporting*

Self-reporting is described in depth on pg. 7 of the Disallowance Guide and I strongly recommend if you read nothing else in this document to read pg. 7. This system also differs from the old system in that it tries to incentivize compliance and reward good practice. Self-reported cases of noncompliance, as distinguished from those that CNCS finds in monitoring, will receive a 50% reduction in their disallowance amount. To take the prior example, if the raw disallowance was \$50,000, the disallowance we found when 100 files were out of compliance – but it was self-reported, that would be reduced to \$25,000. To take the more VISTA example that we had earlier, where there were three individuals in covered positions at \$500 per individual, for a total disallowance of \$1,500? If that was self-reported, it would be a disallowance of \$750.

The purpose of this is not just because we want to know how things are going, although we do. It's because our primary goal, as it was in the Assessment Period, is present-day compliance. More than anything else, we want individuals to be going through the required process, so we have created this incentive for you to exercise good practice and monitor proactively and, if something goes wrong, to ask for help. That does not mean that a CNCS program officer will do all the work for you, but they are available to provide training and technical assistance if it's needed.

There is one caveat here as well. To count as "self-reported," you have to disclose noncompliance prior to any notification of an upcoming monitoring visit. If you have already received notice of a monitoring visit, it's too late to receive this self-reporting incentive. More information about self-reporting, again, is available on pg. 7 of the document, and we recommend you review that closely.

(30:28)

IV. What You Can Expect in Implementation

With that we're going to move on to our last major agenda item. We've talked about the context, we've talked about risk-based disallowance, we've talked about self-reporting and the disallowance cap, and now we're going to talk about what you can expect in implementation. Now that we understand the system as a whole, we should outline some key aspects of its implementation, so you know what you can expect from CNCS. Some of this is new, and some of it has remained consistent, but it is all worth repeating.

First, our standards for compliance remain on time, every time. We are committed to that standard and meeting it is your first responsibility for the CHCs. If you don't know how to meet that standard, reach out to your Program Officer for your assistance. If you can meet that standard, you will never need to interact with this document. Just like we said in the assessment period, you may be assuming you are compliant based on old information. You cannot assume anything. We encourage you to always have some kind of regular, mini-audit process setup, so take a look at your records and make sure that you're meeting that standard of on-time, every time.

Second, we understand the challenges you encounter in the process and are working to lower the barriers for compliance. This includes efforts like exploring securing an Agency-wide solution for FBI checks, approving new alternative state repositories, and developing new training tools and resources. Even a call like this is part of a broader effort to get you the information you need, so you can be on-time, every time. If you want any more information about these efforts, please reach out to your Program Officer.

Third, on a monitoring visit, you can expect a few things to remain consistent: you should receive prompt notification if something is out of compliance, and guidance to correct it; you should receive a monitoring letter shortly after that; and transparency throughout the process. If disallowance is required, that monitoring letter would then be followed by a payment demand letter based on your calculated disallowance, with clear instructions on your next steps.

Our fourth item to highlight is new. You should expect to participate in the process to an extent. This system is much more nuanced and much less black-and-white, and that will often mean that a Program Officer needs more information from you. This could require working with a vendor to learn more about their check or reviewing files to determine mitigation ratings. Remember that one of the variables we need to determine a disallowance amount is the extent of noncompliance in the portfolio as a whole – this is obtained by expanding the number of files reviewed, in most cases to all currently serving covered positions. In some instances, that number may be reduced or expanded based on the specifics, but if you have a large number of covered positions, you will likely have to participate in that review process, perhaps reviewing a substantial number of files yourself. We need your participation to do that. We need your participation for the granularity that allows us to not use full cost-disallowance.

So let's recap these key issues of implementation. First, "on time, every time" hasn't changed. In fact, this document doesn't change anything about what is compliant. Compliance has remained consistent. This document does not change any of that. Second, we understand the challenges you face and are working to lower the barriers. Third, on a monitoring visit, you can expect many things to remain consistent: prompt notification, a monitoring letter in a timely manner, transparency, and fourth, which is a little bit new, you should expect to participate in this process to an extent.

(34:11)

Review

Let's recap by taking another example all the way through. As we go, I recommend thinking through your own answer to each question for a minute before we provide our answer. Also, if you have a pen and paper, I recommend jotting down some of these facts, so that you can follow along. In this example, we'll start with an organization that has five individuals in covered positions. The Program Officer reviews two files and finds they are out of compliance. In this case, each of these files are missing a required FBI check and they did not document accompaniment, although everything else was done correctly. What would happen next?

First, the grantee would be directed to take corrective action. An expansion of scope would also be required. This is a relatively small number of files, but depending on the circumstances, the Program Officer may need the participation of the grantee to review the rest of the files.

Let's say that the expansion of scope identified 4 files out of compliance in all, all of which fall into the category of "moderate" mitigation. The circumstances I laid out would be moderate mitigation. So with those facts, how would you start to find your disallowance amount?

You should have gone to the matrix. Four is more than half of five, so you would use the right column of the matrix. The "Moderate Mitigation" disallowance amount is \$1,000 in this column. Next, we take 1,000 and multiply it by the number of files out of compliance, four, giving us a total raw disallowance

amount of \$4,000. Compare that to what the disallowance would have been if those four staff were charging significant amounts of time to the grant.

Now let's say this case of noncompliance was self-reported. How would that affect the disallowance amount?

That would reduce it by half, lowering the disallowance amount to \$2,500.

Finally, let's say that the federal share was \$200,000. Could that affect the disallowance amount, and, if so, how would we know?

It could affect the disallowance amount via the cap. We need to find 25% of the federal share, which in this case is \$50,000. Our self-reported disallowance is lower than the federal share cap, so it actually doesn't affect the final amount in this case. But you can imagine how that could be helpful if, for example, the whole portfolio was out of compliance with low mitigation.

We have two more important points before we close and answer questions. First, this entire system refers only to noncompliance, not ineligible individuals. Those are two different concepts and it's important to distinguish between them. An individual is "ineligible" if that person has been convicted of murder, is registered or required to be registered as a sex offender, has refused to consent to the checks, or provides a false statement for the purposes of their check. Those four categories and only those four categories of individuals are ineligible to work or serve. That's a rare case, but if it happens, all costs will still be disallowed, as with the old system. These individuals are prohibited from working or serving in a CNCS funded grant by statute, so we have no discretion on this point. These costs are literally unallowable costs.

Finally, you will notice that this guide is still labeled "Interim." This means that we will have opportunities to refine it. We expect to do that as soon as early 2016. We don't expect these changes to be major, but to the extent we can learn how to refine our approach to better balance accountability, safety, consistency, and the needs of those we serve, we are eager to do that. Please let us know any suggestions you may have to that end and we're going to learn alongside all of you as we begin implementing this.

That's all for our formal presentation, unless, Mark, you have anything to add?

[MW]: No, just speaking about the work, we just love the work that you do, and I see the performance measures and anecdotes from the VISTAs that do this work, and we pass that forward to Paul Monteiro and Wendy Spencer and it goes to Congress, and sometimes to President Obama's Administration. We are all deeply appreciative of the work, and we want to make sure that the work is done and not complicated by vulnerable populations being affected. And me personally, I'm deeply appreciative of the work.

[BC]: Thanks for that. My job here is to come and talk about compliance, and that's what I've been speaking about, but I do just have to say that that's what motivates us all, and what I look at my goal here on the criminal history check team is allowing you to do the work in the safest, most productive way possible, and hopefully this system, the system we're talking about today, will benefit the work, in that, if there are mistakes, the result won't be something that cripples the organization. There are still meaningful incentives to comply, but the result won't be something that cripples an organization because of that vital work.

[MW]: You know, in VISTA, we talk about sustainability and capacity-building and that's really exactly what this is. The work is sustainable when we can show that we're doing our due diligence to keep communities safe.

[BC]: Thanks very much, Mark. Laura, I think we're ready for questions, if you want to go ahead and start queuing them up.

[Laura]: Once again, if you want to ask a question, please press star-1 on your touchtone phone. We do have a question from Katie Schaeffer. Your line is open.

[Katie]: Hello again. We also run an AmeriCorps state program, so we've been doing a lot of this stuff already. I just want to make sure I'm understanding the similarities or if things are different. When you use the term "initiated," as in pg. 5. It's pretty clear for the sex offender check it's before the start of service, and then for the state check it's on the first day of service, for the FBI check it says before the start of work or service - my question is, "How do you define initiated?"

[BC]: That's a very good question. So let me just clarify a few things. First of all, NSOPW: no ifs, ands or buts, and I don't think this will surprise anyone, must be complete by the start of work or service, fully complete. Initiation is not a term you use with the NSOPW. That's a free, online tool that is more or less instant, so you can knock that out of the way. NSOPW must be complete before the start of work or service. Now, moving to state or FBI checks, what you're seeing there is that while the requirements are that these should be initiated prior to the start of work or service, we've actually interpreted that to allow you that first day. We know that these processes take some time. You might need to go to a fingerprint location; you might need to fill out some substantial forms. So we've interpreted that to include that first day. They should both be initiated no later than that first day.

[Katie]: What does that mean though? Does that mean you've made a fingerprint appointment, or...in our state, you can't go the same day to get fingerprints. So is initiated that you made the appointment or that you've actually had your fingerprints done?

[BC]: That's a good question. I wanted to clarify the dates, but let's now talk about the meaning of that word, "initiation." CNCS has actually defined that word, "initiation," as one documentable step after consent. One verifiable, documentable step after consent. That's very broad, and we know that, and what that does is allow you, as a grantee to define your own process that counts as initiation. This is a perfect example. In some states, maybe you do need to do those steps on different days, so you would

choose that first step as your initiation process. But that might not be the case in another state. So what a grantee needs to do is, in their own policies and procedures, choose what they will use as initiation, write that down, make sure it's documented, make sure it meets our standards, which means it's one step after consent, and then follow that consistently. And of course you should be collecting the date that occurs consistently, because that's the date that's on-time, every time. So that's an area where we set a very broad definition and we ask our programs to document for themselves how they will operationalize that. Does that help?

[Katie]: Yes, thanks very much.

[O]: Thank you. The next question is from Maria Hendricks. Your line is open.

[Maria]: Hi, our sponsoring organization also has an AmeriCorps program and we recently had an alternate search procedure approved for that. I just wanted to verify that that would cover both our AmeriCorps and VISTA programs, even though I think we initially submitted it with our AmeriCorps program in mind.

[BC]: It depends on the specifics. The way an Alternate Search Procedure works is we react to your specific request. I'm not familiar with your request off-hand, but if you said specifically, "This is for an AmeriCorps State and National program," the response you would have gotten would have said specifically, "This is for an AmeriCorps State and National program." If you intended it to be for both, you would have had to request it for both. If there's any lack of clarity on that, go ahead and look at the decision letter you should have received. Feel free to run it through your Program Officer and he or she will bring it to our attention if there's any more ambiguity there and we can get it cleared up for you. But, in general, we respond to the specific request.

[O]: Thank you. The next question is from Debra Cushman. Your line is open.

[Debra]: Yes, hi, what I'm wondering about is the effective date of implementation of this new disallowance method. For example, we happen to be between our compliance visit and submitting our response. Does this basically supersede the old way of calculating disallowances?

[BC]: So this policy is effective immediately. Don't quote me on the date - I believe it was cleared August 20th, but it is effective immediately. The intention is that it applies to all pending cost disallowances. Again, I'm not familiar with this particular case, so I'm not going to comment on that, but this is what should be applied for cost disallowance for anything post-Assessment Period.

[Debra]: Great. Thank you.

[O]: Once again, if you have a question, please press star-1 at this time. [Pause.] We have another question from Katie Schaeffer. Your line is open.

[Katie]: Hi, thank you. I want to talk a little about how VISTA defines accompaniment.

[BC]: Okay.

[Katie]: Again, we also have an AmeriCorps State program and we're pretty clear what that means for that program, and we just want to get clear and make sure we're doing everything correctly vis-a-vis the VISTA program.

[BC]: Okay. So here at the CNCS-level, accompaniment is accompaniment across all our programs. I actually just want to ask one clarification question. Your AmeriCorps State and National program, is that a subgrant from a Commission, or is that a direct grant from CNCS?

[Katie]: It's a competitive grant, but it comes through the Commission.

[BC]: It goes through the Commission.

[Katie]: In our state, all the grants come through the Commission, even competitive grants. We're not a national program, we're a state program.

[BC]: Okay, okay, great. That's helpful, because one important thing to note is that Commissions can always add additional requirements onto CNCS' baseline requirements. So everything that I said today about compliance is from the CNCS perspective. This whole system should be executed pretty consistently by Commissions, but when we're talking about "What is the definition of initiation?" that's the kind of thing that a Commission may have gone ahead and defined more specifically already for your grantees, so be sure you talk to your prime grantee for those questions. I can't speak to the various Commissions and the additional requirements they have imposed.

With regards to accompaniment, CNCS' definition is that while both state and FBI checks are pending, an individual is accompanied when they are in the presence of someone who has been cleared for access to vulnerable populations by a representative of the site. So you can stop it as soon as either your FBI check or both state checks - remember two state checks will be required in some cases. I do know just anecdotally that there are some Commissions, for example, that say, we won't allow accompaniment, and they have that authority, but that's what it is for us. If you want more information about it, we have a lot available on our website and your program officer should also be able to help you.

[O]: Thank you, and the next question comes from John. Your line is open.

[John]: I hope I'm the right John here. I guess my question is on some policies and procedures regarding summer associates, AmeriCorps VISTA summer associates, and background checks for them.

[BC]: Sure. Is there a specific question, or do you just want to know how they are handled generally?

[John]: Just how they're handled in general. It's something we're kind of looking at in this next program cycle, to kind of, utilize some of our MSYs there, so I guess, what are the policies on that? Because I really couldn't find anything clear anywhere.

[MW]: So the Summer Associate program, for those of you who don't have Summer Associates, is 8-10 weeks during the summer, so it's a short-term injection. Because it's short term, we currently - this may change - require the NSOPW, again, because summer associates are done through us, in the state office you want to be sure that they have the information they need to do the NSOPW on the Summer Associates. But we don't do the FBI background check on the Summer Associates currently because of that 8-10 week commitment. We consider that short term. So to that end, I don't know if there is any specific piece of that - we want to make sure the applicants are strongly encouraged to declare on their AmeriCorps application or to have conversations with you going into it about what might be on their criminal history. When we learn about those, we go through a process to make sure those are documented. Was there a specific piece of your question, though, about summer associates?

[John]: The real one for me would be the FBI side of it. You've kind of already worked as an organization to at least run state repository or Department of Justice checks on them as well as the NSOPR.

[MW]: Yeah.

[John]: So I guess my real question is around knowing a lot of our programming is around youth. That they will have recurring access, and I guess then a policy that states those members need to be accompanied at all times during that 70-day, or 8-10 week, term of service for them.

[MW]: This is definitely something we're going to be talking about and looking into at headquarters going into next summer.

[John]: Is there a written policy that exists with regards to Summer Associates and the criminal history checks?

[MW]: I'd have to look and see what we have.

[John]: Great. Thank you.

[O]: The next question comes from Krishna. Your line is open.

[Krishna]: Hello, can you hear me?

[Brian]: Yes.

[Krishna]: Hi, I'm sorry, I had to jump on this call a little bit late and I was actually just wondering if a recording call would be available for listening purposes in the future.

[Brian]: Yes, this call is being recorded and we will make it available. Stay tuned for more details about the how's and when's of that.

[Krishna]: Perfect. Thank you.

[O]: And at this time we have no further questions.

[BC]: Ok, great. If there are no further questions, I'll just make my last piece to thank you for joining us and of course thank you for your service and your efforts on behalf of CNCS and the country as a whole. I do want to emphasize that these opportunities are something I cherish and I'm glad I was able to come here and hear from you and share this new system with you. Mark, any closing thoughts?

[MW]: Again, to say we really appreciate everything you do to support our VISTA members and help bring communities out of poverty, so thank you.

[BC]: Alright, have a good afternoon everyone. I think we're in the afternoon all the way across the country. And if you do have any more questions about this, your Program Officer is always there to help and we have lots of resources on the criminal history checks in general on our Knowledge Network. Thanks!

[O]: This concludes our conference. We do thank you for your participation and you may disconnect at this time.