Welcome!
NSCHC Enforcement Guide

We’ll get started in just a couple of minutes.

Be sure to call in:
888-906-7802,
Passcode 7534029
Technology Check

ON THE PHONE:
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ON SKYPE:
Use the dialogue box on the left side of your screen to provide input or ask a question at any time during the presentation. Please test it now with a greeting.

REPLAY:
Today’s presentation will be posted on the National Service Knowledge Network: [www.nationalservice.gov/resources/americorps](http://www.nationalservice.gov/resources/americorps)
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Agenda and Outcomes

**Agenda**
- Enforcement Guide updates
- Enforcement Guide review
- Examples
- Tools and Templates

**Outcomes:**
- Understand the changes to the Enforcement Guide
- Understand your role in CHC Disallowance process
- Understand how to use the Disallowance Matrix
- Understand how to use Enforcement Guide tools and templates
Enforcement Guide Updates
Enforcement Guide Updates

Third Iteration:
1. Interim Disallowance Guide: 4/13/15
2. Updated on 8/20/15
3. Enforcement Guide: April 1, 2017

Language:
• Mitigation: action of reducing the severity of something
  • Mitigation=Grantee effort
  • Recipient=Grantee
  • Mitigation=Recipient Effort
## Enforcement Guide Changes

<table>
<thead>
<tr>
<th>Section</th>
<th>Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1: Ineligibility vs Noncompliance</td>
<td>• Ineligibility documentation requirements have been standardized</td>
</tr>
</tbody>
</table>
| Section 3: Calculating Disallowance          | • No more 50% of noncompliant individuals change: self-report vs. standard disallowance rates  
• Minor changes to what qualifies as mitigation for NSOPW, State Checks, Vendor Checks and additional information on murder self-certifications and ASP/Exemptions  
• Additions to disallowance calculations regarding: Failure to correct previously identified noncompliance and hours |
| Section 4: Self-Reporting                    | • Incentivize self-reporting  
• % of noncompliant individuals **does not** impact disallowance                                                                                                                                     |
| Section 5: Monitoring and Payment Procedures and Documentation | • Documentation requirements standardized  
• Specific guidance on subrecipients and multiple grants                                                                                                                                             |
Three instances in which you will interact with the CNCS NSCHC Enforcement Guide:

• Ineligible to Serve Individual
  • Disallow all costs
  • Report to CHC@cns.gov
  • Ineligibility Documentation
• Self-Report NSCHC Noncompliance
  • Self-Report Disallowance Rate!
  • Self-Report Documentation
  • Use Mitigation Matrix
  • Disallowance Documentation
• Oversight/Monitoring Activity
  • Use Mitigation Matrix
  • Disallowance Documentation
Enforcement Guide Review

Guide Section 2: Ineligibility vs Noncompliance
Guide Section 3: Monitoring Officials Responsibilities to Assess and Remedy Noncompliance
Guide Section 4: Calculating Disallowance
Guide Section 5: Self Reporting
Guide Section 6: Monitoring Documentation
Section 2: Ineligibility vs Noncompliance

Covered Individual: Person receives a living allowance, stipend, education award, salary, through a national service program and the Social Innovation Fund

Ineligible (to serve) individual:
- Registered or required to be on a sex offender registry
- Convicted of murder
- Refuses to consent to NSCHC
- Makes a false statement

Noncompliant individuals:
- Wrong type of checks
- Late checks
- No accompaniment
- No documentation
Section 2: Ineligibility vs Noncompliance

Identify Ineligible Individuals

1. Confirm Ineligibility
2. Remove from service
   • Must retain service and NSCHC documentation
3. Disallow ALL costs
   • Includes stipend, salary, fringe benefits or education award (including match funds)
4. Recipient must report to CHC@cns.gov
   1. Report must be made by prime, sub-recipients
   2. Cc’ PO, GO
   3. Subject: Ineligible Individual Notification
   4. Specific Documentation Requirements (Section 6)
If the individual is ineligible to serve, you must document:

• the full name of the individual,
• the date they started on the grant,
• the date ineligibility was identified,
• the date they were removed from the grant,
• the number of hours charged to the grant,
• the assessment of checks conducted against which checks were required,
• the basis of ineligibility identified through the NSCHC (e.g. false statement, murder conviction, etc.), and
• the calculation of all associated grant costs from federal and match funds, as applicable.
Section 3: Monitoring Officials Responsibilities to Assess and Remedy Noncompliance

Review Files

Establish Eligibility

Calculate the Disallowance

Expand Scope of Review

Implement Manual

Hold 2 or more cases of noncompliance

Nonresponsive recipient or recipient failure to take corrective action
Disallowance is based on:
- Self Reported vs. discovered during official monitoring visit
- Individuals
- Mitigation rating
  - High
  - Moderate
  - Low
- Access to vulnerable populations

Mitigation: action of reducing the severity of something.
Section 4: Calculating Disallowance
Applying the Matrix

**Murder Self-Certification:** No disallowance but corrective action required

**ASP/Exemptions:** If file is out of compliance with terms of ASP/Exemption, assess without regard to ASP/Exemption

Sex offender check: check is noncompliant but could mitigate noncompliance

**Mitigated sex offender check:**
- Incomplete NSOPW: e.g.: missing states
- Adjudicated FBI check (includes National Sex Offender Registry (NSOR))
- Vendor national sex offender registry check but not NSOPW
- Statewide sex offender check from state of service or residence (new)

**Mitigated vendor check**
- Time limited check
- Missing NSOPW but includes nationwide sex offender registry search
- Missing/Incomplete State check but includes:
  - A national search of state criminal information
  - Search of CNCS designated repository in either state of residence or service when both are required

**Vendor check:** If a recipient uses a vendor check, the recipient must demonstrate that the vendor’s criminal history record search meets CNCS’s requirements.**

**Mitigated accompaniment:**
- Performed but not documented sufficiently and contemporaneously
- Not documented but accompaniment is a standard process (in policies, program model, etc.)
TIME is the difference here between High and Moderate

- Adjudicated and On-time Sex offender check
- Initiated:
  - State check
  - FBI check
  - Vendor check

- Adjudicated Sex offender check
- Initiated late:
  - State check
  - FBI check
  - Vendor check

<table>
<thead>
<tr>
<th>NSHC MITIGATION MATRIX</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Disallowance for each individual for whom...</strong></td>
</tr>
<tr>
<td>High Mitigation is present</td>
</tr>
<tr>
<td>Moderate Mitigation is present</td>
</tr>
<tr>
<td>Low Mitigation is present</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MITIGATION RATING</th>
<th>NO ACCESS OR EPISODIC ACCESS TO VULNERABLE POPULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Mitigation</td>
<td>Program adjudicated a sex offender check before the individual began work or started service on the grant AND at least one of the following is present, even if late:</td>
</tr>
<tr>
<td></td>
<td>- Initiated a vendor check that included a nationwide search of state criminal history information; OR</td>
</tr>
<tr>
<td></td>
<td>- Initiated the State of Service or State of Residence check through CNCS designated sources; OR</td>
</tr>
<tr>
<td></td>
<td>- Initiated a fingerprint-based FBI check.</td>
</tr>
<tr>
<td>Moderate Mitigation</td>
<td>Program met the requirements of 1, 2, and 3:</td>
</tr>
<tr>
<td></td>
<td>- Performed accommodation (if required); AND</td>
</tr>
<tr>
<td></td>
<td>- Adjudicated a sex offender check before the individual began work or started service on the grant; AND</td>
</tr>
<tr>
<td></td>
<td>- Initiated one of the following on time:</td>
</tr>
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<td>- A vendor check that included a nationwide search of state criminal history information; OR</td>
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<td></td>
<td>- A fingerprint-based FBI check.</td>
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<tr>
<td>Low Mitigation</td>
<td>Program met the requirements of 1 or 2:</td>
</tr>
<tr>
<td></td>
<td>- Performed accommodation (if required); AND</td>
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<td>- Initiated one of the following on time:</td>
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</table>

Any other combination of factors that does not meet the requirements for Moderate Mitigation or High Mitigation.

The Matrix does not preclude CNCS from implementing other remedies for noncompliance or taking other measures as authorized by law. CNCS may update this Matrix at any time.

The disallowance amount is a remedy for noncompliance per 2 C.F.R. §200.338.
Section 4: Calculating Disallowance  
Access to Vulnerable Populations

### NSCHC MITIGATION MATRIX

<table>
<thead>
<tr>
<th>Disallowance for each individual for whom...</th>
<th>Self-Reporting</th>
<th>Standard Disallowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Mitigation is present</td>
<td></td>
<td>$250 $500</td>
</tr>
<tr>
<td>Moderate Mitigation is present</td>
<td></td>
<td>$500 $1000</td>
</tr>
<tr>
<td>Low Mitigation is present</td>
<td></td>
<td>$750 $1500</td>
</tr>
</tbody>
</table>

**Difference between High and Moderate is sex offender check and accompaniment**

- Accompaniment performed
- Adjudicated and on time sex offender check
- Initiated on time: 
  - State check
  - FBI check
  - Vendor Check

#### 2 OPTIONS

1. Accompaniment performed and one of the following initiated on time: 
   - Vendor state check
   - State check
   - FBI check
2. On time sex offender check and completed even if late: 
   - Vendor state check
   - State check
   - FBI check

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**MITIGATION RATING**

- **High Mitigation**
  - Program adjudicated a sex offender check before the individual began work or started service on the grant AND at least one of the following is present, even if late:
    - Initiated a vendor check that included a nationwide search of state criminal history information; OR
    - Initiated the State of Service or State of Residence check through CNCS designated sources; OR
    - Initiated a fingerprint-based FBI check.

- **Moderate Mitigation**
  - Program adjudicated a sex offender check AND at least one of the following is present, even if both are late:
    - Initiated a vendor check that included a nationwide search of state criminal history information; OR
    - Initiated the State of Service or State of Residence check through CNCS designated sources; OR
    - Initiated a fingerprint-based FBI check.

- **Low Mitigation**
  - Any other combination of factors that does not meet the requirements for Moderate Mitigation or High Mitigation.

---

This Matrix does not preclude CNCS from implementing other remedies for noncompliance or taking other measures as authorized by law. CNCS may update this Matrix at any time. The disallowance amount is a remedy for noncompliance per 2 C.F.R. § 200.338.

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AmeriCorps | Senior Corps | Social Innovation Fund | Volunteer Generation Fund
### NSCHC Mitigation Matrix

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</tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Low Mitigation is present</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Mitigation Rating

<table>
<thead>
<tr>
<th>Mitigation Rating</th>
<th>No Access or Episodic Access to Vulnerable Populations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Any other combination of factors that does not meet the requirements for Moderate Mitigation or High Mitigation.</td>
</tr>
<tr>
<td></td>
<td>This Matrix does not preclude CNCS from implementing other remedies for noncompliance or taking other measures as authorized by law. CNCS may update this Matrix at any time. The disallowance amount is a remedy for noncompliance per 2 C.F.R. § 200.338.</td>
</tr>
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</table>

- **Disallowance Cap:** 25% cap of CNCS Federal Share, Monitoring Official has discretion to override cap
- **Failure to Correct Previously Identified Noncompliance:** Disallowance a 2nd time + possibility of other enforcement remedies

*Do not disallow hours! Eligible individuals still receive credit for their hours despite enforcement of disallowance on noncompliant recipient.*
Examples
### Example 1

<table>
<thead>
<tr>
<th>Self Reported</th>
<th>Self Reported Rate!</th>
<th>Low Mitigation Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to vulnerable populations</td>
<td>3 checks needed + documented accompaniment</td>
<td>= $750 Disallowance*</td>
</tr>
<tr>
<td>NSOPW late but cleared</td>
<td>NSOPW is noncompliant. Late “sex offender check”</td>
<td>*Standard Disallowance=$1,500</td>
</tr>
<tr>
<td>State Check Initiated on time and cleared 2 weeks after start of service/work</td>
<td>Compliant!</td>
<td>• No mitigated accompaniment</td>
</tr>
<tr>
<td>FBI Check initiated on time and adjudicated 2 weeks after start of service/work</td>
<td>Compliant! Late “sex offender check” (adjudicated after start of service/work)</td>
<td>• No sex offender check adjudicated before start of service/work</td>
</tr>
<tr>
<td>No documented accompaniment</td>
<td>Noncompliant</td>
<td>Remember:</td>
</tr>
<tr>
<td></td>
<td>Accompaniment is not Standard Process</td>
<td>• Corrective Action!</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 2 or more cases -&gt; expand scope</td>
</tr>
</tbody>
</table>

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*AmitiCorps | Senior Corps | Social Innovation Fund | Volunteer Generation Fund*
**Example 2**

<table>
<thead>
<tr>
<th>Identified on Monitoring Visit</th>
<th>Standard Disallowance</th>
<th>High Mitigation Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>No access to vulnerable populations</td>
<td>2 checks needed: NSOPW and State or FBI</td>
<td>$500 Disallowance*</td>
</tr>
<tr>
<td>NSOPW cleared before start of service/work</td>
<td>Compliant!</td>
<td>*Self-Reported Disallowance=$250</td>
</tr>
<tr>
<td>FBI Check initiated 1 day after start of service/work and cleared 2 weeks after start of service/work</td>
<td>Noncompliant</td>
<td></td>
</tr>
</tbody>
</table>

Remember:
- On-time and cleared NSOPW
- Late FBI check
- Corrective Action!
- 2 or more cases -> expand scope
### Example 3

<table>
<thead>
<tr>
<th>Identified on Monitoring Visit</th>
<th>Standard Disallowance</th>
<th>Moderate Mitigation Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>No access to vulnerable populations</td>
<td>2 checks needed: NSOPW and State or FBI</td>
<td>$1000 Disallowance*</td>
</tr>
<tr>
<td>NSOPW completed and cleared 1 day after start of service/work</td>
<td>Noncompliant</td>
<td>*Self Reported Disallowance=$500</td>
</tr>
<tr>
<td>Vendor State Check initiated 1 day after start of service/work, cleared 1 week later</td>
<td>State check source is not state repository but includes nationwide search of state criminal information = Noncompliant</td>
<td></td>
</tr>
<tr>
<td>Fieldprint FBI check initiated 1 day after start of service/work, cleared 2 days later</td>
<td>Noncompliant</td>
<td></td>
</tr>
</tbody>
</table>

*Remember:*  
- Corrective Action!  
- 2 or more cases -> expand scope
<table>
<thead>
<tr>
<th>Self-Reported</th>
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<td>No access to vulnerable populations</td>
<td>2 checks needed: NSOPW and State or FBI</td>
</tr>
<tr>
<td>NSOPW on time and cleared</td>
<td>Compliant!</td>
</tr>
<tr>
<td>FBI check initiated on first day of service/work, results 2 days later = grand theft auto arrest, possession conviction, murder conviction</td>
<td>Ineligible</td>
</tr>
</tbody>
</table>

**Disallow all costs!**

- Report to [CHC@cns.gov](mailto:CHC@cns.gov)
- CC’ PO and GO
- Provide Ineligible Documentation

**Recipients may establish additional screening procedures and criteria**
Section 6: Payment Request Process

- CNCS issues a *Debt Notification Letter* to prime recipient regardless of whether the noncompliance was at the prime or subrecipient level
  - Rights of Recipients
  - Options Available to pay disallowance to CNCS
    - Payment in Full
    - Alternative Payment options
- **Note to Prime Grant Recipients:**
  - Disallowance for NSCHC Compliance at the subrecipient level must be paid back to CNCS.
  - Prime recipient cannot reallocate NSCHC disallowance.
  - Prime recipients is responsible for overseeing subrecipient’s application of guide and submit documentation of monitoring findings to CNCS along with the total disallowance calculated.
  - CNCS will disallow costs from the prime recipient if subrecipients are noncompliant and the prime recipients has not correctly applied enforcement and/or has failed to identify noncompliance prior to CNCS’s monitoring of the prime recipient.
Recipient reports own noncompliance before it receives written notice of a future oversight or monitoring activity
- Self-reporting is intended to incentivize identification of the noncompliance by the recipient
- A prime recipient reporting to CNCS that it discovered noncompliance at its subrecipients is not considered self-reporting.

Immediately document that the recipient has self-reported noncompliance:
- Date of notification
- Date the recipient discovered their noncompliance
- Nature of the noncompliance
- Scope of the noncompliance, to the extent it’s known
- How the recipient identified the noncompliance
- What corrective actions the recipient took, if any
Section 6: Disallowance Documentation

1. For each individual file with NSCHC noncompliance, monitoring officials must:
   a) contemporaneously document a written assessment of the deficiency,
   b) assign and document the appropriate mitigation ratings, and
   c) assess an associated disallowance amount.

A documented written assessment of the deficiency must include:
   • date of notification of monitoring, date of monitoring or date of self-review, whichever is earlier,
   • the name of the individual,
   • start date of work/service on the grant,
   • level of access to vulnerable populations,
   • when checks (NSOPW, State of residence, State of service, FBI) were initiated,
   • what other checks/conditions were present and relied on in determining the assigned mitigation rating (e.g., vendor checks),
   • when results were adjudicated,
   • whether accompaniment was performed,
   • when accompaniment ceased, and
   • which checks were missing, incomplete or late.

2. Payment Request process: CNCS will issue Debt Notification letter.
Tools and Templates
Understand the changes to the Enforcement Guide

Major changes:
- Self reporting is part of Mitigation Matrix (no longer need to calculate 50% of noncompliant files)
- New documentation requirements

Understand your role in CHC Disallowance process
- CHC Compliance remains the same
- Increased documentation requirements

Understand how to use the Disallowance Matrix
- Specific conditions mitigate noncompliant checks
- No access to vulnerable populations: Time is the difference between High and Moderate mitigation ratings
- Access to vulnerable populations: On-time sex offender check and accompaniment is the difference between High and Moderate mitigation ratings
What questions do you have?
Wrap Up for Today

✓ The call replay will be available until May 25, and the replay number is 866-499-4577.

✓ Today’s slides and audio recording will be posted on the National Service Knowledge Network:
  
  www.nationalservice.gov/resources/americorps
Thank You!