

## Appendix A.16 – Final Rule FAQs

### Overview

Below are questions and answers related to the AmeriCorps Seniors Final Rule that became effective on January 31, 2019. The following questions were gathered from public comments and clarifications requested; and questions we heard from AmeriCorps Seniors Grantees and Portfolio Manager since the initial notice was posted. You can review the full regulations here.

*\*In September of 2020 CNCS and Senior Corps will rebrand. CNCS will operate under the working name of AmeriCorps and Senior Corps will become AmeriCorps Seniors. The AmeriCorps Seniors rebranding will take effect on Tuesday, September 29, 2020. Programs will be called AmeriCorps Seniors FGP, RSVP and SCP. Volunteers will be called AmeriCorps Seniors volunteers. These updates may not be reflected in the regulations posted.*

### General- All AmeriCorps Seniors Programs

- 1. If a program was in the middle of a grant year when the updated regulations went into effect on January 31, 2019, would it follow the old or new regulations?**

AmeriCorps Seniors programs will follow the new regulations for the entire grant year. Effectively, this means that sponsors may consider the rule retroactively from the start of the grant award. For example, if an AmeriCorps Seniors FGP or SCP program’s annual budget period begins in July 2018 (and the final rule is effective in February 2019), then the program will not be required to meet the Direct Benefit Ratio rule for its whole budget year beginning in July 2018.

- 2. How long will an AmeriCorps Seniors grantee have to develop new policies that reflect the updated regulations?**

Most of the updated regulations result in a reduction or elimination of rules; therefore, sponsors may create new policies if/when determining that a change is necessary. For those that require immediate change, policies should be in place when updated regulations are effective. For example, updated regulations related to income eligibility rules, such as the changes related SNAP benefits or 401ks, may need policy updates ahead of the effective date of January 31, 2019.

- 3. What is the meaning of “vulnerable populations” as used in the definition of proprietary health care organizations (45 CFR 2551.12, 45 CFR 2552.12, 45 CFR 2553.12)?**

AmeriCorps defines vulnerable populations in its grant terms and conditions to include children age 17 or younger, persons age 60 and older, and/or individuals with disabilities. Individuals with disabilities are defined as having a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

- 4. With the elimination of the requirements to “develop, and annually update, a plan for promoting service by older adults within a project service area” (45 CFR 2551.23(i), 45 CFR**

**2552.23 (i), and 45 CFR 2553.23 (f)) and “to annually assess the accomplishments and impacts the (SCP, FGP, or RSVP) project on the identified needs and problems in the community” (45 CFR 2551.23 (j), 45 CFR 2552.23 (j), and 45 CFR 2553.23 (g)), what are projects still required to do to assess community needs?**

AmeriCorps Seniors grantees complete this work when detailing the community needs as part of performance measurement requirements in the grant application. A separate report or plan is no longer required.

**5. Can an exception be made to the requirement that an AmeriCorps Seniors SCP, FGP, or RSVP project director work full-time?**

The language in regulation for all three programs explicitly state that “a sponsor may negotiate the employment of a part-time project director with AmeriCorps when the sponsor can demonstrate that such an arrangement will not adversely affect the size, scope, or quality of project operations” (45 CFR 2551.25(c), 45 CFR 2552.25(c), and 45 CFR 2553.25(c)).

**6. Are sponsors no longer required to compensate project directors at a level that is comparable with other staff positions in their organization?**

AmeriCorps considered the comments received during the public comment period on the proposed rule and added language to the final rule that a sponsoring organization shall “to the extent practicable, compensate project staff at a level that is comparable with similar staff positions in the sponsor organization and/or project service area” (45 CFR 2551.25(e), 45 CFR 2552.25(e), 45 CFR 2553.25(e)). AmeriCorps made this change so that sponsors have the discretion to negotiate with their project staff regarding appropriate compensation levels.

**7. How do these changes affect Senior Demonstration Program (SDP) grants?**

SDP grants are not governed by these regulations, and so, not affected by them directly. However, specific grants may make reference to some aspects of regulation in their Terms and Conditions. Grantees should review their Terms and Conditions and discuss any potential implications with their AmeriCorps Portfolio Manager.

**8. How do these changes affect grants that receive no federal funding?**

Grants that do not receive federal funding, but that are awarded under AmeriCorps Seniors FGP, RSVP, or SCP are subject to that program’s regulations. Changes to the regulations that govern those programs apply to these awards as well.

**AmeriCorps Seniors Senior Companion Program (SCP)/ Foster Grandparent Program (FGP)**

**9. Is there a maximum stipend level (45 CFR 2551.12(s), 45 CFR 2552.12(v)) and/or can a maximum stipend level be set by projects locally?**

The current definition of “stipend” for AmeriCorps Seniors SCP and FGP ensures that stipend amounts are not subject to a specified maximum. In addition, because the amount of the stipend is required to be set nationally, a maximum stipend level may not be set by projects locally.

**10. Are SNAP benefits considered as income for AmeriCorps Seniors SCP and FGP volunteer eligibility?**

No, the updated regulations clarify that Supplemental Nutrition Assistance Program (SNAP) benefits, public assistance, child support, and disability payments are not considered income for eligibility verification purposes (45 CFR 2552.44(a),(b)).

**11. I understand that SNAP benefits are not considered income for the purposes of stipend eligibility in the AmeriCorps Seniors SCP and FGP program. Do I need to take any action with respect to my current volunteers?**

This update to the non-exhaustive list of funds that are not considered income for volunteer eligibility verification purposes clarifies that food and nutrition programs, like the SNAP program, as well as public assistance, child support, and disability payments, are not considered income. In light of this clarification, your local policies and procedures may need to be updated. Moving forward, please update as necessary your local policies and procedures to ensure these types of funds are excluded from consideration in your annual reviews of volunteer income eligibility.

**12. Is a 401(k) considered income for SCP and FGP volunteer eligibility?**

Yes, AmeriCorps has updated the list of what is considered income for purposes of determining eligibility to include retirement savings plan in the updated regulations (45 CFR 2551.44(a)(b), 45 CFR 2552.44(a)(b)).

**13. I understand that a 401(k) is considered income for the purposes of stipend eligibility in the AmeriCorps Seniors SCP and FGP program. Do I need to take any action with respect to my current volunteers?**

This update to the non-exhaustive list of funds that are considered income for volunteer eligibility verification purposes clarifies that retirement savings plans, such as 401(k) plans, are considered income. In light of this clarification, your local policies and procedures may need to be updated. Moving forward, please update as necessary your local policies and procedures to include these types of funds for consideration in your annual reviews of volunteer income eligibility.

**14. Does the reduction in ongoing, in-service training hours to a minimum of 24 hours annually (45 CFR 2551.23(f), 45 CFR 2552.23(f) affect the pre-service training requirement?**

No, the expectation that AmeriCorps Seniors SCP and FGP volunteers receive at least 20 hours of pre-service orientation when they begin service continues.

**15. Does the ongoing, in-service training requirement of 24 hours annually need to be conducted monthly?**

No, the requirement is for 24 hours annually and not 2 hours monthly (45 CFR 2551.23(f), 45 CFR 2552.23(f)). Sponsors may determine how to allocate time for in-service trainings during the year to meet the requirement. Additional information on planning and conducting in-service training is found in the Program Handbooks, located at the [Managing AmeriCorps Seniors Grants](#) webpage.

**16. Can AmeriCorps Seniors SCP and FGP programs still require an annual physical even though they are no longer required in the new regulations?**

No, programs may not require an annual physical as a requirement for AmeriCorps Seniors volunteers. Programs may, however, provide a physical examination or assistance with the cost of a physical examination prior to assignment and annually thereafter as a benefit for volunteers. AmeriCorps Seniors removed the requirement as it was burdensome and costly and was frequently cited as an administrative barrier to recruitment. However, AmeriCorps recognizes the value of offering physical examinations to volunteers who may not otherwise have the resources or means to obtain them; therefore, this direct benefit is retained as an allowable grant expense. As such, AmeriCorps has added “Physical examination” to the articulated cost reimbursements for AmeriCorps Seniors SCP and FGP in the final rule (45 CFR 2551.46(f), 45 CFR 2552.46(f)).

**17. Will programs be able to set their own requirements for volunteer service hours even though the new regulation now states that the minimum hours are at least five (5) hours weekly or 260 hours annually (45 CFR 2551.51, 45 CFR 2552.51)?**

Yes, projects are still able to set local policies that define hours of service for volunteers. Indeed, because sponsors are able to set local weekly hours of service policies, they may elect to establish the minimum weekly hours of service expected at any level in between the 5-hour weekly minimum and the 40-hour weekly maximum.

**18. Do programs need to abide by both the hourly and annual volunteer service hour requirement, or may they choose one? May they use either the hourly or annual requirement for different volunteers? (45 CFR 2551.51, 45 CFR 2552.51)?**

Sponsors may choose to abide by either the hourly or annual minimums. A sponsor must also document how it chooses to meet the requirement above in local policies that define hours of service for volunteers and the sponsor must implement its policies consistently.

**19. What if a volunteer goes on medical leave and doesn't meet the requirement of 260 hours annually? In this scenario, is the grantee out of compliance?**

The requirement is a minimum of 5 volunteer hours per week OR 260 volunteer hours annually. Sponsors should set policies that define leave, in accordance with applicable regulations. When developing leave policies, sponsors should consider applicable rules and regulations that may impact volunteer management, like the hours of service requirement, criminal history check requirements, etc.

**20. Do AmeriCorps Seniors volunteers in FGP and/or SCP who aren't serving five hours per week due to medical reasons, summer programming, inclement weather, or other reasons need to be put on administrative leave?**

Sponsors should set policies that define leave, in accordance with applicable regulations. When developing leave policies, sponsors should consider applicable rules and regulations that may impact volunteer management, like the hours of service requirement, criminal history check requirements, etc.

**21. How does the change to the service hour requirement (45 CFR 2551.51, 45 CFR 2552.51) affect an AmeriCorps Seniors sponsor’s volunteer leave policy?**

Sponsors should set policies that define leave, in accordance with applicable regulations. When developing leave policies, sponsors should consider applicable rules and regulations that may impact volunteer management, like the hours of service requirement, criminal history check requirements, etc.

**22. Is there minimum amount of hours a volunteer must serve each day to receive a meal reimbursement?**

Sponsors set policies locally that define when a volunteer may receive a meal or meal reimbursement.

**23. If a program is in the middle of a grant year when the removal of the Direct Benefit Ratio is effective, on January 31, 2019, can they make adjustments to their budget?**

Sponsors may consider the final rule retroactively from the start of the grant award and may therefore make adjustments to their budget, come February 1, 2019. If the federal share of a grant is greater than the Simplified Acquisition Threshold amount of \$150,000 and the grantee’s cumulative changes exceeds 10% of the total budget, the grantee must request prior approval to submit an amendment. In addition, a sponsor must request prior approval if seeking to adjust the grant’s VSY level, regardless of the Simplified Acquisition Threshold.

**24. Does the new minimum requirement of volunteer service hours include all stipended hours?**

AmeriCorps Seniors FGP/ SCP volunteers serve 5-40 hours a week for 260-2080 hours annually. Though minimum service hours have reduced, the stipend is still paid for the hourly service schedule that volunteers spend with assigned clients, for earned leave if applicable, and for the attendance at official project events, e.g., orientation, in- service training, Advisory Council meetings (as members or official observers), recognition events, and travel time between individual assignments.

**25. May sponsors use AmeriCorps funding on any/all administrative cost’s related to non-stipend volunteers?**

While the AmeriCorps has eliminated/ reduced requirements related to implementing a project with non-stipended volunteers, federal funding and non-AmeriCorps match funding may not be used to support cost reimbursements for non-stipended volunteers, like meals, transportation, physical exams, etc. With the new regulations, grantees are no longer required to track administrative costs and split out time dedicated to non-stipend volunteers.

AmeriCorps Seniors Senior Companion Program (SCP)

**26. What is the impact of the regulation changes related to the AmeriCorps Seniors Senior Companion Leaders?**

Overall, the purpose of the regulation revisions related to AmeriCorps Seniors Senior Companion Leaders was to create its own section and consolidate all regulations so that all the references to

leaders were in one location and easier to understand (45 CFR 2551, Subpart G). However, there is updated language added to clarify that Senior Companion Leaders, through recognition, may receive an additional monetary incentive (45 CFR 2551.73(c)).

#### AmeriCorps Seniors Foster Grandparent Program (FGP)

**27. What specifically changed in the definition of the children that AmeriCorps Seniors volunteers in FGP can serve?**

The new regulations expand the FGP definition of “Children having exceptional needs” to include “behavioral disorders” and “math and other educational needs” (45 CFR 2552.11(f)).

#### AmeriCorps Seniors RSVP

**28. Can an AmeriCorps Seniors RSVP project serve as a volunteer station in addition to the AmeriCorps Seniors RSVP sponsor?**

Yes, AmeriCorps has expressly stated in the new regulations that AmeriCorps Seniors RSVP sponsors and AmeriCorps Seniors RSVP projects themselves may serve as volunteer stations (45 CFR 2553.61).

**29. Did the performance measurement requirements change for AmeriCorps Seniors RSVP in the new regulations?**

The updated regulations broaden the AmeriCorps Seniors RSVP performance measurement language and eliminate certain definitions related to performance measures. (45 CFR 2553.101 – 45 CFR 2553.109). AmeriCorps made these changes to make it easier for AmeriCorps and for sponsors to keep pace with evolving industry standards. AmeriCorps will continue to provide information on performance measures through guidance and training rather than in regulation.

**30. With the elimination of the requirements to “develop, and annually update, a plan for promoting service by older adults within a project service area” (45 CFR 2553.23(f)) and “to annually assess the accomplishments and impacts the AmeriCorps Seniors RSVP project on the identified needs and problems in the community” (45 CFR 2553.23(g)), are AmeriCorps Seniors RSVP projects still required to perform annual safety assessments?**

AmeriCorps Seniors RSVP Sponsors are still required to ensure the safety of their volunteers at volunteer stations (45 CFR 2553.23(v)). Rather than annually assessing the safety of stations via a separate email or report, AmeriCorps Seniors RSVP sponsors should maintain an MOU “that states the station will provide for the safety of the AmeriCorps Seniors volunteers in the RSVP program assigned to the station” (45 CFR 2553.23(v)).

