AmeriCorps Roles, Rules, and Regulations

July 2011
Agenda

- Equal Justice Works, Host Site, and Fellow Responsibilities
- Fellow Timekeeping
- Background Checks
- AmeriCorps Compliance Scenarios
- Setting Your Fellow Up for Success: Fellow Paperwork and Education Award Information
- Performance Measures
- Reporting Deadlines
- New Equal Justice Works Policies
Equal Justice Works Responsibilities

- Orientation and training for host sites on AmeriCorps management, regulations, and effective practices;
- Orientation for AmeriCorps Fellows regarding Equal Justice Works and AmeriCorps;
- Ongoing support to both host sites and AmeriCorps Fellows on planning and implementing their service activities (including regular phone and electronic contact);
- Ongoing, systematic support to host sites regarding member monitoring and supervision;
- Site visits and desk audits; and
- Timely disbursement of CNCS grant dollars.
Host Site Responsibilities

- Maintaining a separate accounting system for all funding related to the AmeriCorps;
- Designating staff responsible for fiscal compliance and program compliance;
- Recruiting and selecting AmeriCorps Fellows for your organization;
- Providing bi-weekly living allowance payments and basic health care coverage for the AmeriCorps Fellows;
- Providing clear direction, supervision and support to AmeriCorps Fellows; and
- Defining, explaining and recognizing the service provided by AmeriCorps Fellows to stakeholders in your community.
Site Roles

• **Project Director** – Staff responsible for working with Equal Justice Works to ensure grant compliance

• **Site Supervisor** – Ideally a staff attorney, who oversees member development and works closely with the member to provide a good experience

• **Fiscal Manager** – Staff responsible for fiscal compliance
Fellow Roles

- Complete required enrollment and exit paperwork
- Contribute data to mid-year and end-of-year report
- Provide quality legal services to their communities
- Recruit, train, and supervise law students
- Support volunteer attorneys
- Attend Equal Justice Works training opportunities and events
Key AmeriCorps Provisions and Regulations

- Non-displacement, duplication, supplantation
- Union concurrence
- Prohibited Activities
- Criminal background checks
- At least 1,700 hours in a 11 or 12 month term
- Fellow Timekeeping
- Mid-term and end of term evaluations
- Early termination and compelling personal circumstances
AmeriCorps Prohibited Activities

As an AmeriCorps member, Fellows may not participate in any of these activities:

• Attempting to influence legislation
• Participating in or endorsing events or activities that are likely to include advocacy for or against political parties, platforms, candidates or legislation
• Engaging in protests, petitions, or boycotts
• Assisting, promoting or deterring union activity
• Engaging in religious instruction or proselytization
• Conducting voter registration
• Providing referrals to abortion services

As private citizens on non-AmeriCorps time, Fellows may participate in any of these activities.

Fellows will sign forms at the beginning and end of their terms assuring compliance.
1,700 hours requirement

- **Serves as a minimum, not a maximum.**
- Minimum required to be eligible for education award
- Service and training count, holidays and leave do not count (This should be different from your staff leave policies)
- Fellows are allowed to follow organization’s leave policies without pay-out at end of term of service
- Over an 11 month term, a Fellow can take 3 weeks total leave time and 10 holidays and reach 1,700 by averaging 40 hours a week.
- Potential issues: bar failure, 35 hour work weeks, low expectations and/or performance
Training vs. Service Hours

- AmeriCorps members are allowed to spend a maximum of 20% of their reported hours receiving training
  - This includes Host Site Orientation, Equal Justice Works Leadership Development Training, substantive legal trainings, Equal Justice Conference.

- Unless they are engaging in fundraising activities, the remaining 80% or more of members’ hours should be spent in service
Fundraising Policy

- Members can spend no more than 10% of their service hours engaging in fundraising activities.
- Members may raise funds for specific projects related to their service, but not for the organization at large.
- Members may not apply for federal funding of any kind.
- Members may not raise funds that would be directly used to support their compensation and benefits.
Fellow Timekeeping

- Use timesheets (paper or electronic) signed by Fellow and supervisor
- Track both direct service and training hours
  + Hours that the Fellow is being trained count as training hours
  + All other hours (case work, client meetings, internal meetings, administrative tasks) should be service hours
  + Leave hours are not tracked as service hours
- Fellow and supervisor should keep track of progress (including average hours needed to complete 1,700)
- Equal Justice Works will ask for updates periodically
- Time is certified on exit form by all parties
Background Checks

Required of all AmeriCorps Fellows:
1. FBI Fingerprint Check

Required of all new AmeriCorps Fellows:
1. National Sex Offender Public Registry (NSOPR)
2. State criminal check for your state
3. State criminal check for state of Fellow’s residence at time of application (if different)

A background check for bar admission is not sufficient.
Background Checks

- If the break in time between terms for 2\textsuperscript{nd} year members is no more than 30 days, you do not need to complete the state criminal checks or NSOPR check.
- All Fellows (1\textsuperscript{st} and 2\textsuperscript{nd} year Fellows) must have an FBI Check (new for 2011-2012)
- Host Site must receive documented authorization from applicant/Fellow to conduct required checks on them.
Background Checks

• National Sex Offender Public Registry (NSOPR)
  + Free service: www.nsopr.gov
  + Must be completed upon application to position

• State Criminal History Checks
  + Some states are harder than others, cost varies
  + Must be initiated before Fellow starts service

• FBI Fingerprint Check
  + CNCS encourages sites to go through State Repositories or have Fellows request report themselves
  + Must be initiated before Fellow starts service
Scenario #1: Prohibited Activities

Frank Fellow, serving at ABC Legal Services, is asked by a partner agency, XYZ Housing Services, to help with a project that involves educating government officials, other nonprofits, volunteers, and advocates on the affordable housing crisis and critical housing initiatives being proposed by the local city council. The Frank’s work on this project would be supervised by the Policy Director at XYZ Housing Services.

Is this project allowable?
ABC Legal Services is hiring for a foreclosure-specific Fellowship slot. The position description outlines the following duties of the Fellow:

- Handle a caseload that will primarily consist of defending foreclosure actions.
- Engage in community outreach focusing on foreclosure prevention throughout the county.
- Work with ABC Legal Services on advocacy efforts with local and state legislators, judges, and other officials in an effort to address the foreclosure crisis.
- Recruit and supervise volunteer law students.

Is there anything wrong with this description?
Johnny is a Fellow serving at ABC Legal Services. He spent the last week doing the following activities:

+ 20 hours in client meetings and working on his caseload
+ 3 hours organizing and leading a community legal clinic
+ 5 hours providing an orientation and training to new student interns
+ 2 hours at a training hosted by the local bar foundation
+ 5 hours writing a grant to support an upcoming community event he is organizing
+ 5 hours canvassing and flyering the neighborhood in which the community event will take place

What should his timesheet look like?
Scenario #4: Term of Service

Susan and Peter also serve at ABC Legal Services. Susan is in her second term as a Legal Fellow and Peter is in his first term. Within three months of her second term exit, Susan finds another job and needs to exit the Fellowship program. After serving for four months, Peter finds out that his father is unable to keep working due to a health concern and Peter must take some time off to help support his family. Peter is unsure if he will be able to return to the Fellowship but really wants to.

How do you handle each of these circumstances?
Scenario #5: Term of Service

Barry started in October 2010 and has been working over 40+ hours each week. Unfortunately, he missed the rule against perpetuities questions on the bar exam and has to re-take it in February. He requests time off to prepare for the bar. Bar passage is going to be extremely important for the second part of the Fellowship.

*How do you respond? What if he does not pass the second time?*
Marty and Natalie are 2011-2012 Fellows at Equal Justice Works. Marty is a second year Fellow and Natalie is a first year Fellow. They are both serving 11-month terms and the living allowance for the year is $24,200. Natalie moved from CA to serve and it is customary at Equal Justice Works to provide relocation support of $500. Equal Justice Works plans to pay $1,000 a month to each Fellow for housing assistance and $500 a month for loan repayment assistance. Marty will receive $150 a month for his car payment because he is a second year Fellow.

What does each Fellow’s compensation look like?
Contents of a Fellow’s “Member File”

- Enrollment Documents – completed in Equal Justice Works AmeriCorps Reporting and Enrollment System (ARES)
  - Criminal History Check authorization by Fellow
  - Certification by host site that proper criminal history checks were completed on each Fellow
  - Documentation of eligibility (US Passport, Permanent Resident Card)
  - Proof of Health Insurance
  - Member Contract
  - AmeriCorps Enrollment Information
  - Supplemental Benefits Contract
  - Upload: I-9 form, Fellow Resume
Contents of a Fellow’s “Member File”

• Components maintained by Host Site (accessible to Equal Justice Works if necessary):
  + Forbearance (at Fellow’s discretion)
  + Timesheets
  + Mid-term evaluation
  + End of term evaluation

• Exit Documents – completed in ARES
  + Exit Form
  + Fellow Exit Survey
Enrollment Process

• Paperwork through ARES
  + Contract must be signed on or before Day 1 of Fellow’s term of service
  + Certifying Official at organization must sign contract (Fellow Supervisor cannot sign)

• My AmeriCorps Portal
  + Once Equal Justice Works receives completed paperwork in ARES, we will enroll Fellow in the AmeriCorps Portal
  + They will receive invitation to create an account
  + Must be registered in Portal to be able to manage Education Award when their term of service is over
Exit Process

Paperwork:

• Exit Form to be completed in ARES
• Exit form includes: summary of timesheets (by month), certification of evaluations, non-participation in prohibited activities, etc.
• Certifying Official at organization and Fellow must sign exit form
• Fellow Exit Survey to be completed in ARES

My AmeriCorps Portal:

• Equal Justice Works will process exits once all paperwork and surveys are complete
Segal AmeriCorps Education Award

- $5,550 for 2011-2012
  - If Fellow served other AmeriCorps terms, amount could be less
- Contingent on successful completion of term of at least 1,700 hours
- Money is paid directly to school or lender
- Can be applied to any Federally backed loan or Title I tuition expense
- Must be used within 7 years
- Considered by IRS to be taxable in year it is used
- Immediately available upon exit from Portal
My AmeriCorps Portal

- my.americorps.gov
- Host site staff and Equal Justice Works do not have accounts!
- Fellows apply for loan forbearance and access education awards themselves only through this website
-Eliminates “middlemen” – once a Fellow is in the system, s/he can manage her account.
- Allows instant disbursement of education award and interest payments on loans upon completion.
Performance Measures

- Number of clients receiving legal assistance
- Number of clinics held
- Number of clients served at clinics
- Number of partner community organizations
- Number of law students, private attorneys and other volunteers generated
- Number of veterans receiving legal assistance, number of homeless veterans assisted in securing housing
- Number of clients receiving services related to home foreclosures and housing assistance programs
- Number of clients who are able to remain in their home
- Number of cases defended against foreclosure
Reporting Deadlines

- Progress Reports due twice a year: Mid-Late March and Early November
- Periodic Expense Reports: due every 2\textsuperscript{nd} and 4\textsuperscript{th} Monday of the month
- Reporting on National PM, veterans served, will occur more frequently
- Equal Justice Works no longer requires the submission of FFRs
New Equal Justice Works Policies

• PERs cannot be submitted prior to the end of the reporting month. Ex: June’s PER cannot be submitted in June.

• Host Sites are allowed to provide health insurance and charge it to the match for members on maternity leave.

• End-of-term evaluations must assess whether the Fellow has:
  + Completed the required number of hours;
  + Satisfactorily completed assignments, tasks, and projects; and
  + Met any other performance criteria which were communicated at the start of service.
Where to find key information

Equal Justice Works website:
• http://www.equaljusticeworks.org/post-grad/americorps-legal-fellowships
• Equal Justice Works AmeriCorps Program Manual
• AmeriCorps Enrollment and Reporting System (ARES)
• Grants Management System (GMS)
• Equal Justice Works AmeriCorps Staff
Past IG Audit Findings for Equal Justice Works

- Member evaluations not consistently performed
- Some member contracts were not signed before applicants started service, were missing, or did not include all required elements
- Lump sum living allowance payments; payment of unemployment insurance
- Member position descriptions included activities that are inconsistent with the regulations and grant terms
- Weaknesses in member timekeeping procedures
- Late enrollment and exit forms
- Lack of documentation of orientation
AmeriCorps Team

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