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CAPLAW: Key Points in OCS IM #157: Guidance for COVID-19 Response

1 message

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Wed, Apr 15, 2020 at 8:05 AM

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To: Jim Schuyler <JSchuyler@vacap.org>

To VACAP Leadership:

Here is a brief and clear summary of federal Office of Community Services' Information Memorandum #157—CSBG Guidance for COVID-19 Response.

Jim Schuyler

VACAP

Key Points in OCS IM #157: Guidance for COVID-19 Response | April 14, 2020



Key Points in OCS IM #157: Guidance for COVID-19 Response

On April 13, 2020, the Office of Community Services (OCS) issued [Information Memorandum \(IM\) #157](#) to provide CSBG recipients emergency guidance on their response to the COVID-19 outbreak. Below are key points for state CSBG offices and CAAs to consider as they adjust their staffing and programmatic operations during the pandemic.

OCS indicates that it will issue additional guidance on the CARES Act supplemental CSBG funding. **The priorities addressed in IM #157 apply to existing CSBG awards as well as the supplemental funding.**

Immediate Priorities

Protecting the health and well-being of staff

- **Charging staff salaries and benefits to the CSBG award.** OCS will allow grantees to continue to charge the costs of salaries and benefits of staff to current CSBG awards so long as this is done pursuant to a policy of paying salaries under unexpected and extraordinary circumstances from all funding sources (federal and non-federal). This is consistent with the previously issued memo from the Administration of Children and Families ([IM-ACF-OA-2020-01](#)) allowing administrative flexibilities for grantees affected by COVID-19.

This also reflects CAPLAW's understanding that under the Uniform Guidance, federal grant funds may be used to pay for different types of leave (e.g., sick, emergency closures, etc.) so long as the grant recipient follows the criteria for a leave policy as set forth in the Uniform Guidance.

The Uniform Guidance specifically states that the cost of leave may be charged to federal grants if: (i) the leave is provided under established written leave policies; (ii) the costs are equitably allocated to all related activities; and (iii) the organization uses a consistent accounting basis for costing each type of leave. [45 C.F.R. § 75.431\(b\)](#). The costs must also meet the basic considerations for cost allowability in [45 C.F.R. §§ 75.402-411](#) (requiring that costs be necessary, reasonable, and allocable).

- **Modifying operations and addressing staffing needs.** OCS encourages states and CAAs to explore options for temporarily modifying work arrangements, such as adjusting hours of operation and using temporary staffing supports. The federal CSBG Act does not dictate any particular type of operations CAAs must use, and OCS supports grantees' adaptation of human resources (HR) policies and arrangements to ensure continuity of operations.

Ensuring continuity of CSBG funding at the federal and state levels

- **Release of CSBG funding.** OCS' top priority is the continuity of CSBG funding, including the timely release of the \$1 billion in CARES Act supplemental CSBG funding. IM #157, however, does not commit OCS to a specific timeframe for releasing the supplemental funds or discuss whether the funds will be made available in a lump sum, as opposed to separate installments.

- **States encouraged to minimize administrative burdens.** OCS also encourages states to expedite the release of CSBG funding and to take the necessary steps to reduce the short-term administrative burden on CAAs to receive that funding. This will enable CAAs to focus on responding to immediate community needs.

Supporting a robust and flexible community response to urgent needs

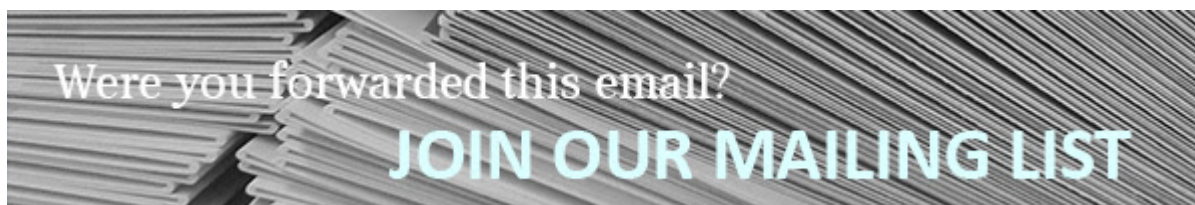
- **States encouraged to simplify procedures to repurpose CSBG funds.** OCS actively encourages states to streamline the processes required to redeploy CSBG resources to address the impact of the COVID-19 outbreak in each CAA's community. Examples could include: (1) allowing expedited amendments to Community Action Plans; (2) issuing blanket allowances for CAAs to use CSBG funds for new purposes that remain consistent with the CSBG Act (such as purchasing equipment to enable staff to telework); and (3) reducing reporting requirements in the immediate term to provide only the most essential information about the CAA's services and needs, and allowing more detailed amendments to Community Action Plans to be processed later.

Other Key Points

- **Eligibility determination.** OCS emphasizes the substantial discretion states have to define the procedures for determining if an individual or family meets the eligibility requirements for CSBG, including the timeframes for review and necessary documentation appropriate to the services or strategies being implemented. The CARES Act authorizes states to revise the income limit for eligibility ceiling from 125 to 200 percent of the federal poverty level for CSBG services furnished during fiscal years 2020 and 2021, including services furnished with the state's regular CSBG appropriations during those years. States are encouraged to review existing procedures and establish emergency procedures, if appropriate, to streamline the eligibility determination process for the duration of the national public health emergency. Such procedures might address the eligibility of families that have become low income as a result of the emergency or those who do not have their eligibility documentation for emergency services in hand.
- **Monitoring.** OCS will postpone all CSBG on-site monitoring visits with states through May 2020. State agencies may also need to postpone monitoring visits with CAAs depending on the capacity of the state and CAA.
- **Repurposing existing CSBG funding.** While awaiting the CARES Act supplemental funding, CAAs should re-program existing resources to meet the highest priority needs.
- **Using CSBG funds to support access to emergency services.** Within existing allocations, state CSBG funding may be used to support emergency response that is consistent with statutorily allowable activities. CAAs are not required to request a federal waiver to use their existing CSBG funding to support disaster response and assistance to eligible low-income individuals and families. CAAs may use CSBG funds to help individuals access federal, state, and local aid (such as applying for unemployment benefits and other forms of public

assistance). **OCS encourages states and CAAs to exercise the block grant flexibilities inherent in CSBG funding to respond to emergency needs.** It also emphasizes the importance of cooperation between CAAs and local health and emergency management authorities.

- **Adapting facilities to provide critical resources.** If CAA facilities are needed and can be adapted for community use, CSBG funds may be used for costs associated with making facilities safe, such as paying for sanitation, gloves, and cleaning services.



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