

# Utah Community Services Block Grant Program Policies & Procedures

*Department of Workforce Services  
Housing and Community Development Division  
State Community Services Office:  
140 East 300 South  
Salt Lake City, Utah 84111*

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## COMMUNITY SERVICES BLOCK GRANT OVERVIEW

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The Community Services Block Grant Act (CSBG) (49 U.S.C. 9901 et seq.) is an appropriation from the U.S. Department of Health and Human Services to help communities address poverty issues. States are allocated money on a formula basis and are directed to fund anti-poverty agencies statewide to address the local issues of poverty within their communities. The statewide agencies are recognized by the State and Federal government as eligible entities for CSBG funding. Every county in the Utah is served by one of these agencies.

CSBG is a flexible source of funding for these grantees to allow each community to properly address the issues of poverty found therein. Grantees operate under the direction of a tripartite board comprised of elected officials, business representatives, and low-income individuals. These boards are charged with identifying the specific problems in the community and developing work plans and structuring programs to address these issues.

The Department of Workforce Services, Housing & Community Development Division, State Community Services Office (SCSO) is Utah's designated agency to administer CSBG. (35A-8-1004)

### MISSION

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The SCSO provides guidance, oversight, and funding to help communities assist people to become more self-reliant socially, physically, culturally, and economically by working to reduce the impacts of poverty and improving the quality of life for low-income Utahns. The SCSO coordinates State activities designed to reduce the impacts of poverty and encourage entities in the private sector to participate in efforts to ameliorate poverty in the community. The SCSO will continue to develop and refine policies and procedures to enhance management of goals and standards. The SCSO supports efforts to assist grantees to use data and needs assessment information to improve service and program delivery while preserving the flexibility and local initiative of the CSBG to impact and address local poverty issues.

### DEFINITION OF TERMS

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1. American Customer Satisfaction Index (ACSI): Part of the CSBG State Performance Measures, the ACSI is a survey administered to Community Action Agencies and the state association to measure the State's effectiveness in meeting CSBG Act requirements, including development of the State Plan, Distribution of Funds, Use of Remainder/Discretionary Funds, Training and Technical Assistance, Monitoring and Corrective Action, and Linkages.
2. Community Action Agencies (CAAs): CAAs are local, private and public nonprofit organizations that carry out the Community Action Program. There are over 1,000 CAAs in the United States and its territories. Utah has 9 CAAs, each of which serves a specific geographic area of one to six counties. All counties in Utah are included within the jurisdiction of one of the CAAs.

3. Community Action Partnership of Utah (CAP Utah): State Association for Utah’s community action agencies
4. Community Action Plan (CAP): Submitted by CAAs to SCSO every three years, this plan details community response to local need identified in the community needs assessment, including specific programs offered by the CAA.
5. Community Needs Assessment (CNA): Completed by each CAA and submitted to SCSO every three years, the CNA is a detailed analysis of the causes and conditions of poverty in the community.
6. Community Services Block Grant (CSBG): Federal block grant, anti-poverty program administered by the Federal Office of Community Services.
7. CSBG Act (42 USC Ch. 106): Part of the Coats Human Services Reauthorization Act of 1998, the act authorizes the purpose, use, limitations, as well as the application, administration, and reporting requirements of CSBG funds.
8. CSBG State Plan: The State’s application for CSBG funding to the Federal Office of Community Services.
9. Department of Health and Human Services (HHS): the Federal department that houses the Office of Community Services, which administers the CSBG block grant.
10. Department of Workforce Services (DWS): Utah’s department that houses employment and public assistance programs, including WIOA funded programs. CSBG is administered by the Housing & Community Development Division within DWS.
11. Eligible Entity (EE): An eligible entity is an agency that carried a designation of Community Action Agency or other qualifying organization as of the day before the enactment of the Coats Human Services Reauthorization Act of 1998, has retained that designation, and has a tripartite board. These agencies are eligible to receive CSBG funds. In Utah, there are 9 community action agencies (CAAs) which may receive funds and which serve all 29 counties.
12. Housing and Community Development Division (HCD): Division within DWS that houses that State Community Services Office which administers the CSBG grant.
13. Monitoring “Finding”: An area of noncompliance observed during a monitoring visit or desk top review.
14. Monitoring “Weakness”: An area of noncompliance observed during a monitoring visit or desk top review that did not rise to the level of finding.
15. Office of Community Services (OCS): the Department of Health and Human Services, Administration for Children and Families, Office of Community Services is the Federal administrative agency over CSBG
16. Related Individuals (for income verification): two or more persons related by birth, marriage, and/or adoption, who reside together.
17. State Community Services Office (SCSO): Utah’s Department of Workforce Services, Housing and Community Development Division, State Community Services Office (SCSO) is the office assigned to administer CSBG (Utah Code 35A-8-1004)
18. Tripartite Board: A three-part governing or advising board for a CAA which must be composed of:
  - At least one third democratically-selected representatives of the low-income community residing in the area served by the CAA;
  - One-third local elected officials (or their representatives); and
  - The remaining members from major groups and interests in the community

19. Unrelated Individuals (for income verification): an individual who is not an inmate of an institution: (1) who resides alone or (2) who resides with one or more persons who are not related to him/her by birth/marriage, and/or adoption.
20. Workforce Innovations and Opportunity Act (WIOA): The primary source of federal funding for workforce development and requires states to strategically align workforce development programs, including establishing linkages and partnerships with CSBG-funded entities. The CSBG Act (Section 676) also requires linkages with WIOA programs.

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## CSBG GRANT

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### GRANT FORMULA AND CSBG STATE PLAN

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The CSBG Act requires that states submit a CSBG State Plan and Application to OCS for each grant award period to describe the states' proposed use of CSBG funds and include assurances that CSBG will be used in accordance with legislative intent. SCSO develops and submits a CSBG State Plan and Application every year in collaboration with the CAAs and with CAP Utah. The CSBG State Plan and Application is due September 1 preceding the start of the federal fiscal year. SCSO will solicit public comments during the process of developing the CSBG State Plan and Application. SCSO will post the State Plan on the SCSO website. SCSO holds a public hearing, with notice sent to CAAs, other pertinent stakeholders, and the public at least 30 days in advance. The state also holds a legislative hearing every three years to gain public input and provide a review of CSBG programming and plans. Revisions to the CSBG State Plan and Application may be made in response to written and verbal public comments.

The State will pass through at least 90% of its CSBG allocation to eligible entities. Award amount for the eligible entities is determined through base and formula. No more than 5% of the CSBG allocation may be used for the State's administrative expenses, and the remaining 5% may be used at the State's discretion to support activities consistent with the CSBG Act and with priorities identified in the State's CSBG Plan.

Utah's CAAs receive a \$50,000 base and a percentage of the remaining 90% pass through CSBG funds. A poverty percentage was determined per CAA jurisdiction as part of the funding formula. Based on American Community Survey (ACS) which SCSO and the network agreed to review and update biannually beginning in FY23. The data pulled from the ACS reflects each jurisdiction's percentage of the State's total population of CSBG eligible individuals. This percentage was applied as a multiplier to the remainder of the 90% pass through CSBG funds.

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### APPLICATION FOR FUNDS

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Eligible entities submit to SCSO an annual application for funds. Applications include, but are not limited to, an application work plan which ties directly to the eligible entity's most recent needs assessment, community action plan and strategic plan, budget information, as well as certifications and assurances as prescribed by OCS.

The complete CSBG funding application and budget, including all elements as submitted to SCSO, should be approved by the CAA's tripartite board prior to submission.

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## APPLICATION REVIEW

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Upon receipt of application, SCSO staff will review the application to ensure all required elements have been supplied and verify that application work plans connect with the CAA's triennial needs assessment and community action plan. No grant award will be issued when required information is identified as absent.

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## GRANT AWARD

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All CSBG grant awards will be administered in accordance with applicable Federal and State rules and regulations. CAAs will comply with these rules and regulations as well as with the CSBG Organizational Standards. Federal agencies including the Office of Management and Budget (OMB) and OCS (through Dear Colleague Letters and Information Memorandums), and Presidential Administrations through Executive Orders, may provide additional guidance on federal program requirements and rules which should be followed as appropriate. Additionally, SCSO staff may release updated guidance through Memorandums or updates to this policy and procedure guide, and these updates from SCSO should be referenced for program changes, clarifications and best practices.

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## FUNDING CYCLE

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The reporting cycle for CSBG is the Federal Fiscal Year (10/1-9/30). The budget and program periods are extended in the CSBG grant award for, 18 months and which expires on the last day of March following the close of the Federal Fiscal Year. With SCSO approval, grant awards may be extended from 18 months to 24 months.

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## RISK ASSESSMENT

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### **Risk Assessment performed by SCSO:**

Prior to awarding CSBG funds, DWS will conduct a risk assessment of each eligible entity, as required by 45 CFR Part 75. The result of the risk assessment (low, medium, or high) affects the CAA's grant award monitoring and documentation requirement for submitting claims.

1. **Low Risk:** CAA submits general ledger detail with claim; a desk audit is conducted once per year of a payment invoice
2. **Medium Risk:** At the beginning of each fiscal year, CAAs at a medium level risk will submit all back-up documentation for claims until 3 consecutive requests are reviewed and approved without errors. One monitoring site visit per agreement year is required.
3. **High Risk:** CAA submits all back-up documentation for all claims. Two monitoring site visits per agreement year are required.
- 4.

### **Risk Assessment performed by CAAs:**



SCSO will assure that private CAAs have conducted a comprehensive risk assessment which has been completed within the past 2 years and reported to the governing board. SCSO will review that public CAAs are in compliance with their local government's risk assessment policies and procedures.

## GRANT AWARDS & AMENDMENTS

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All grant awards will be administered in accordance with applicable Federal and State rules and regulations. CAAs receiving grant awards must conform and comply with all applicable standards and requirements imposed by the Federal and State laws, rules, regulations and the CSBG organizational standards

Grant awards and amendments created by DWS contracts team will follow DWS policies and procedures and all other applicable regulations and statutes.

The grant award process begins once SCSO receives an award letter from OCS.

Grant awards are prepared for an October 1 effective date, but will not be executed ahead of the State's receipt of an award letter.

Grant awards are created based on the CAA's application and any subsequent modification accepted by SCSO.

Grant award amounts are based on the award the State has received and the grant award will be amended with receipt of additional awards to the State. Award amounts are determined by the base plus formula allocation method detailed in prior section.

Grant awards are created for an 18 month period: October 1 of the Federal Fiscal Year through March 31 following the close of the Federal Fiscal Year. Grant award periods may be extended, if necessary, from 18 up to 24 months through amendment and with approval from SCSO.

Grant award documents are not complete until all authorizing signatures have been obtained.

Grant award request for funds are submitted on a reimbursement basis and may not be submitted in advance of a fully signed and executed grant award.

Grant award amendments require approval from SCSO prior to initiating process. Requests to revise the budget and/or scope of work shall be submitted to SCSO in writing and shall include:

- A. Detailed information addressing the need for the proposed change;
- B. Description of the impact that the change will have on services to low-income community members;
- C. Updated budget sheets and budget narrative, as applicable;
- D. Updated application work plan (and community action plan), if applicable;
- E. Updated performance targets and/or grant award outcomes, if applicable, and

- F. Evidence that the tripartite board has reviewed and approved the amendment/revision:
1. If meeting schedules and timeline for amendment submission do not allow for tripartite board consideration of the amendment, the CAA may secure approval for the amendment from a duly authorized representative and/or committee of the board, as defined by the board's bylaws.

Grant award amendments within two months of award expiration will not be considered by SCSO. Exceptions may be granted by SCSO on a case-by-case basis.

SCSO will respond in writing to grant award amendment requests within twenty days of receipt of the request.

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## CLAIM SUBMISSIONS

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Claims for reimbursement will be submitted in SCSO's online system no more frequently than monthly and no less frequently than quarterly.

Claims will include the appropriate level of documentation as required by the assigned risk assessment level.

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## CSBG PROGRAM

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### PROGRAM ELIGIBILITY

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Individuals and households receiving CSBG supported services must have incomes at or below the federally identified income limit for CSBG, identified in the CSBG Act as 125% of the federal poverty level, as issued by the Department of Health and Human Services poverty guidelines. In FFY 2020, 2021, 2022, and 2023, this limit was expanded to 200% FPL. SCSO has supported these expansions and will continue to support eligibility expansions when they have been federally permitted as detailed below.

CSBG recipient and sub-recipient agencies are required to conduct eligibility screenings as part of their client intake process. Agencies must have written policies and procedures for each program they administer that uses CSBG funds to ensure that CSBG funds are only used to support individuals and families who meet the income eligibility requirement. Agencies may determine the types of documentation they require for income verification based on the list of acceptable documentation listed in the SCSO Income Verification Policy.

Often agencies support a single program by combining CSBG dollars with funds from other sources that have different income eligibility requirements from the CSBG program. In these cases, those served must be screened for CSBG eligibility and identified as CSBG-eligible or not CSBG-eligible. Agencies must use proportional ratios to demonstrate client eligibility tied to

funding streams. For example, if CSBG supports 30% of a program's costs, then the agency must be able to demonstrate that at least 30% of the clients served are CSBG income eligible. If the agency is unable to demonstrate in this manner, then the most restrictive requirements of all funding sources used for the program apply to every applicant.

### **Eligibility Updates**

Per guidance SCSO received from OCS, regular CSBG program, funds expended in FY20-FY23 may serve the expanded eligibility limit of 200% FPL that was implemented with the CARES Act. Per Continuing Resolutions and budgets passed by Congress ), CSBG funds may continue to serve those eligible under the expanded limit of 200% FPL through September 30, 2023.. SCSO will continue to allow the eligibility expansion to the 200% FPL threshold so long as the expansion is federally permitted.

### **Income Verification:**

Individuals/Households served with CSBG funds must meet income eligibility requirements.

The income of all members of each individual family unit must be included in determining the income eligibility. A family unit is either (1) related individuals, or (2) an unrelated individual excluding house mates (renters or leasers). (See definitions p.2)

If a household includes more than one family unit, the poverty guidelines shall be applied separately to each family unit, and not to the household as a whole.

If a person lives with a family, add up the income of all family members. (Do not count Non-relatives such as housemates [renters, leasers])

See note in next section about flexibilities allowed for Income Verification during Declared State of Emergency or Public Health Emergency.

### **Income Verification Types:**

In order to accurately determine an individual's or household's gross income, the following sources, as described by the US Census Bureau, must be considered in the income determination:

- Gross earnings from employment (wages, salaries, tips, commissions, bonuses etc.)
- Unemployment compensation (public or private)
- Workers' compensation
- Social security
- Public assistance or welfare payments in the form of cash (TANF, SSI, nonfederal General Assistance, or General Relief money payments)
- Veterans' payments
- Survivor benefits
- Disability benefits

- Pension or retirement income
- Regular insurance or any type of annuity payments
- College or university scholarships, grants, fellowships, and assistantships
- Interest income on assets in excess of \$10,000
- Dividends
- Rents, royalties, and estates and trusts
- Educational assistance
- Alimony
- Child support
- Financial assistance from outside of the household
- Other income (military family allotments or other regular support from an absent family member or someone living in the household, etc.)
- If a person lives with a family, add up the income of all family members age 18+. (Non-relatives, such as housemates, do not count.)

Agencies should not include the following when verifying income:

- Capital gains people receive(d) (or losses they incur) from the sale of property, including stocks, bonds, a house, or a car (unless the person was engaged in the business of selling such property).
- Noncash benefits (such as food stamps, housing subsidies, Medicare, Medicaid, or school lunches)
- Withdrawals of bank deposits
- Money borrowed
- Tax refunds
- Gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury
- Fringe benefits
- Food or housing received in lieu of wages
- Income earned through working for the census

**Income Verification Sources:**

Acceptable source documentation includes, but is not limited to the following:

- Check stubs
- Bank Statements
- Proof of SSI or Social Security
- Written statements from employers
- Previous year tax form 1040 for self-employed individuals
- Award letters for government transfers
- Statement from a government entity illustrating eligibility for other programs with the same or lower poverty limit

In order to accurately determine income eligibility for program services, the eligibility determinations must be based on gross household income for the 30 days prior to application for assistance/services. In order to continue to qualify for services, each Agency will require recipients of CSBG funded services to submit approved income documentation at a minimum of once every

12 months. In order to accurately demonstrate client eligibility, the following items must be included in each client file:

- Gross income for all household members over 18 (as determined from the above sources)
- Source documentation for determining income and income types and amounts
- Calculations used to determine annualized gross income

Agencies must also determine the frequency and possible variations in pay in order to accurately determine income. The State will monitor and audit calculations and variations that are used.

Once an application is filled out, submitted, and verified, if any household member refuses to disclose income, or sign a self-declaration of no income, that client will not be eligible for services under CSBG funded programs.

### **Limited In-take Procedures:**

In situations where individual income verification is not possible or practical, or the client claims zero income, eligible entities are required verify income in one of the following ways:

- a) Using third party documentation, such as other government funded program applications (e.g. SNAP and TANF, etc.).
- b) In the situation that income documentation does not exist, or the participant has tried to retrieve documentation of proof of income and has been unsuccessful, the participant is required to complete and sign a self-declaration of no income (when the participant is able to obtain proof of income, the participant is required to submit it to a case manager who will assess the income eligibility of the services provided).
  - a. It is recommended that the agency confer with the Utah Department of Workforce Services verify the client's zero income claim.

In the case where individual income verification is not possible or difficult, income verification must be rechecked every 6 months.

### **Income Verification Procedures:**

The procedures for verifying income eligibility will be left to the discretion of the CAAs. The following procedures are a minimum guideline for agencies to follow:

- A. All clients must fill out an application that is suitable to the CAA.
  - a. The front of the application should list all necessary documents the client needs to provide.
  - b. Application should, at a minimum, collect the following information:
    - i. Family type
    - ii. House hold size
    - iii. Approved household income
    - iv. Income type(s)
    - v. Corresponding income source(s)
- B. Verify Income with approved methods

- C. Approve or deny the client for services, either face to face, by phone, or other effective methods within 30 days of application.
  - a. Approval or denial for services should be documented in client file and include client signature
- D. For services received using CSBG funds, re-verify income eligibility at a minimum of every 12 months for most clients or every six months for clients claiming zero income or where income is difficult to verify.
- E. All applications require written or electronic signature of client.

Community Level Activities:

Community level activities generally do not require income eligibility processes but should have documented procedures for targeting populations, areas, or neighborhoods that are made up of individuals and households that would be income qualified. A CAA should verify with SCSO any program it considers to be community level.

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## STATE OF EMERGENCY OR STATE OF PUBLIC HEALTH EMERGENCY

Per CSBG IM#154 Disaster Flexibilities and Waivers:

**“ELIGIBILITY DETERMINATION**

Section 673(2) of the CSBG Act specifies that the Federal Poverty Line shall be used as a criterion of eligibility in CSBG and that the state may revise the poverty line to not exceed 125 percent of the official poverty line. While no federal waiver exists for this requirement, states have substantial discretion in defining the procedures for determining if an individual or family meets the requirements, including the timeframes for review and necessary documentation appropriate to the services or strategies being implemented.

In a disaster, states may consider circumstances where individuals may have been made low-income by the disaster, including disaster-related unemployment, and may establish appropriate procedures based on individual and family needs. States are encouraged to review existing procedures and establish emergency procedures if appropriate to streamline the eligibility determination process following a disaster. If a displaced individual or family does not have the eligibility documentation in-hand, emergency procedures may include flexibility in accepting signed statements from the family attesting to necessary eligibility information pending availability of necessary documents to meet immediate emergency needs.”

**SCSO income verification policy applicable in the event of a declared state of emergency or public health emergency:**

When a state of emergency or public health emergency has been declared for Utah and it is no longer possible or practical to obtain income documentation from individuals and/or households needing assistance, a self-declaration of income may be accepted. This self-declaration must be written and include date, signature, and indication that the

client/household meets the CSBG income eligibility cut-off for CSBG services. The method for acquiring this declaration (may be a log or separate form) should clearly indicate this is an alternative process put in use due to state of emergency. This process may only be used while the state of emergency or declared public health emergency is in effect, unless SCSO provides other guidance.

**Effective June 1, 2022**, the flexibility permitted for income documentation during a declared public health emergency is rescinded and regular income verification practices are to resume. While a declared state of public health emergency remains in effect, the return to regular practice aligns with Gov. Cox’s “Steady State” response to COVID-19. SCSO led a discussion of the shift back to regular income verification with the CAAs (5/5/22) and the CAAs also supported the return to regular income verification procedures.

Requirements for Proof of Residency:

The Office of Community Services (OCS) provided guidance in Informational Memorandum #30 that CSBG is not a public benefit program and does not require an affidavit of legal residency or the verification requirements published in the Federal Register on August 4, 1998 (63 FR 41662) in order to provide services to individuals. OCS IM #30 also specifies that “non-citizens, regardless of their [immigration] status, should not be banned from Community Services Block Grant programs based solely on their [immigration] status unless such exclusion is already authorized by another statute.”

Residency in the service area of the CAA is not a requirement of the CSBG Program but may be a requirement of the CAA (as outlined locally in the CAA’s policies and procedures).

Appeal Procedure:

CAAs must include in their policies and procedures for any program funded by CSBG a process for notifying clients when they are determined to be ineligible. The CAA must also include a procedure for appealing the decision made related to the determination of eligibility.

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## ALLOWABLE ACTIVITIES

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CSBG funds can be used for a wide variety of activities designated to assist low-income families and individuals, including homeless households, refugees, migrant or seasonal farmworkers, and elderly low-income individuals and families, with the following:

1. To secure and retain meaningful employment;
2. To attain an adequate education;
3. To make better use of available income;
4. To secure needed transportation;
5. To obtain and maintain adequate housing and a suitable living environment;
6. To obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs;
7. To remove obstacles and solve problems that block self-sufficiency;
8. To achieve greater participation in the affairs of the community, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners; and

9. To make more effective use of other programs that can help them meet basic needs and achieve greater self-sufficiency.

Agencies may also use CSBG funds to:

1. Address the needs of youth in low-income communities through youth development programs and after-school child care programs;
2. Research the causes of and problems created by poverty in the community;
3. Determine if programs to reduce poverty are working effectively;
4. Coordinate and establish linkages between governmental and other social services programs to eliminate duplication of services and ensure the effective delivery of services to low-income individuals;
5. Create methods by which persons experiencing poverty can work with private groups to solve common problems;
6. Apply for funds from various sources to support a community action program; and
7. Encourage the use of private sector resources in efforts to alleviate poverty in the community.
8. Support Community Level initiatives that address local causes and conditions of poverty as identified in the CAA's needs assessment.

Agencies will determine the specific assistance and programs they will provide, based on needs identified in local communities.



### **Use of Funds for Payment of Salaries and Wages and Fringe Benefits:**

CSBG sub-recipients practice for addressing payment of salaries, wages, and fringe benefits, including leave, should be conducted in a manner consistent with their organization's policies. Federal grant funds may be used to pay for different types of leave (e.g. sick, emergency closures, etc.) so long as sub-recipients follow 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 the 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

The costs must also meet the basic considerations for cost allowability in 45 CFR § 75.402-411, requiring that all costs be necessary, reasonable, and allocable.

Sub-recipients should amend or put in place a formal policy that provides for paying staff in light of sick leave, emergency closure, or other reduction in staffing. Payment of salaries, wages, and benefits cannot be retroactively paid if a formal policy was not in place. Again, policies should include the above criteria

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## **INELIGIBLE ACTIVITIES**

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Per Section 678F of the CSBG Act, the following uses are not allowable for CSBG funds:

1. CSBG funds may not be used for the purchase or improvement of land, or the purchase, construction or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility.
2. Leasing of space, buildings, and/or other assets not associated with a CSBG purpose or allowable activity; and
3. Political activity such as:
  - a. Any partisan or nonpartisan activity or any political activity associated with a candidate or contending faction or group, in an election for public or party office,
  - b. Any activities to provide voters and prospective voters with transportation to the poll or provide similar assistance in connection with an election, or
  - c. Any voter registration activity.

### **Waiver Request:**

In cases of extraordinary circumstances, CAAs may request to waive the construction of facilities limitation (CSBG Act, Section 678F(a)(2)). CAA waiver requests must be submitted to SCSO and address the waiver application requirements in OCS, CSBG Information Memorandum, Transmittal #60. As addressed in the information memorandum, SCSO will be responsible for submitting the request to OCS. CAAs interested in obtaining a construction of facilities waiver must contact SCSO for request and submittal instructions.

## **Supplanting Funds (prohibited):**

Per IM#37—Definition and Allowability of Direct and Administrative Cost Block Appropriation and Allocations:

“CSBG funds do remain subject to the standard grant policy prohibition against "cost shifting." This policy prohibits using funds from one grant award to pay for program costs instead of the funds already provided for those same costs within another current-year Federal grant award. However, the policy does not prevent using funds from one grant award to pay for program costs in excess of the amounts provided for those costs in the other current-year award. Specifically, CSBG funds may not be used in place of the amounts provided by another current-year Federal grant award for (1) direct or administrative expenditures that were included as line items in that other grant award, or (2) costs that were included in developing the indirect cost rate. However, CSBG funds may be used to pay for costs of such program activities above and beyond the levels financed by another Federal grant award.

Therefore, consistent with Congressional intent and HHS grants policy, CSBG funds may supplement other grant awards by paying for expansion and enhancement of existing services and programs that already receive Federal, State, local, or private funding for those activities. Outcomes of these CSBG expenditures should be accounted for in the ROMA performance-based management system.”

Penalties for using CSBG funds for unallowable activities: Penalties may include repayment of monies involved with unallowed activity; possible civil and/or criminal penalties; possible debarment from Federal grants.

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## **ADMINISTRATIVE AND INDIRECT COSTS**

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Direct program costs are those that can be specifically identified with the delivery of a particular program or service that serves low-income individuals and families. Activities related to efforts to coordinate and strengthen a range of local programs and services that combat poverty are also direct program costs. While these efforts often entail planning and management functions that are administrative in nature, OCS considers such functions to constitute a core CSBG program purpose.

Administrative costs are equivalent to the familiar concepts of indirect costs or "overhead." As distinguished from program administration or management expenditures that qualify as direct program costs, administrative costs refer to central executive functions that do not directly support a specific project or service. Administrative costs relate to the general management of the grantee organization, such as strategic direction, board development, executive director functions, accounting, budgeting, personnel, procurement, and legal services.

Each grantee’s administrative costs are reviewed and approved on a case-by-case basis as part of the renewal application and budget modification process. All administrative costs charged to CSBG must be necessary to accomplish the goals of CSBG.

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## REPORTING REQUIREMENTS

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Each CAA will submit to SCSO by the 3<sup>rd</sup> Friday in January, or as requested by SCSO, a complete and accurate reporting for the CSBG Annual Report. CAAs will also submit any additional documentation, including but not limited to success stories, periodic data inquiries, quarterly reports on outcomes and spend down, and board vacancy updates as requested by SCSO. CAAs will also meet the specific reporting requirements detailed in the scope of work of the CAAs' grant awards and conduct and submit a triennial community needs assessment and community action plan that is submitted on the SCSO provided template.

All data submitted by CAAs to SCSO for reporting is expected to be reconciled, verified, and, unless otherwise specified, de-duplicated. CAAs will receive training on methods to assure ROMA data quality annually from the State Association or other source.

SCSO will verify accuracy of ROMA data through a review of client files during monitoring and comparisons of submitted data.

CAAs reporting on clients and programs from external data sources are expected to reconcile for duplication. A duplication rate may be established and assigned to the program in this manner and the percentage may be applied against that program's data going forward for reporting purposes.

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## GRIEVANCE PROCEDURE

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The CAA shall establish and implement a system through which beneficiaries of the services provided may present grievances about the operation of the program as it pertains to and affects said beneficiary. The CAA shall advise applicants of their right to present grievances concerning denial or exclusion from or operation of the program. The CAA will advise applicants in writing of their rights and the procedures to appeal. The CAA will accommodate limited English proficiency and visually disabled applicants in advising applicants of their rights and the procedures of appeal.

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## SAFEGUARDING PROTECTED INFORMATION

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CAAs will establish internal policies to protect the privacy of program participants. Electronic and paper records must be stored in a secure location with access to records limited to authorized staff.

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## RELEASING INFORMATION TO THE CLIENT

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1. Information that can be released to the client:

Upon presentation of government issued photo identification, client may view and copy anything to do with the case record unless it has been obtained from a third party. The client or their representative **cannot** remove the client file from the CAA.

2. Information that cannot be released to the client:

Information obtained from third-party sources cannot be released to the client or representative.

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## RELEASING INFORMATION TO SOURCES OTHER THAN THE CLIENT

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1. If the client names an authorized representative in writing, case record information may be released to that person as if he/she were the client. Written authorization must be signed in the presence of CAA staff or must be notarized. Anything mailed by the CAA will be mailed to the client's address of record unless client provides reasonable explanation of alternate address.
2. Who information can be released to:

The CAA can release case record information to an authorized outside source that safeguards the case record information on clients. This includes community groups who have written internal confidentiality policies.
3. Who information cannot be released to:
  - a) Anyone requesting information for commercial or political reasons.
  - b) Any outside source for any reason not previously listed.
  - c) The general public.

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## FRAUD/WASTE/ABUSE

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### **Overview:**

Fraud occurs when a CSBG applicant, vendor, grantee, sub-recipient, or employee knowingly and willfully misuses or withholds information, or provides false information to receive assistance to which he/she is not entitled, or distributes funds or benefits improperly.

1. If client fraud is suspected the agency or the public can call the Fraud Hotline at [1-877-488-3233 ext. 704](tel:1-877-488-3233). Allegations of fraud will be investigated for the current program year and the preceding program year only.
2. If the CAA, SCSO, or fraud investigator finds evidence that client fraud has been committed, the client and/or household will be denied assistance.
3. If the CAA questions the veracity of information presented and requires additional documentation to verify eligibility, the CAA may ask the applicant for additional information and the applicant will have ten (10) days to provide the requested documentation. If the requested documentation is not provided in ten (10) days, services may be denied.
4. If there is evidence that fraud has been committed by a vendor, grantee, CAA, or employee, appropriate measures will be taken under the direction of SCSO or DWS Internal Audit team.

### **Procedures for Fraud, Waste, and Abuse:**

Each CAA has the authority to request additional information from a household to verify information provided during the eligibility process. If a CAA believes that an applicant has received a benefit in error due to misrepresentation or false reporting of their household information, it must begin an investigation. If the CAA confirms that the benefit should not have been administered, the CAA will begin its process to request repayment from the household if the

repayment exceeds \$75.00, and will contact SCSO to inform SCSO staff of action taken. All applicants must be informed of their right to appeal the decision.

The monitoring review process ensures that each CAA has internal controls that would protect CSBG funds from waste, fraud, and abuse. During the monitoring reviews, SCSO staff will ensure that CAAs are compliant with the rules.

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## TRAINING AND TECHNICAL ASSISTANCE

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As the lead agency for Utah's CSBG program, SCSO is responsible for providing CAAs receiving CSBG funds with a range of technical assistance and training in order to establish and maintain sound grant management and program practices. Technical assistance is available throughout the term of the grant. SCSO also contracts with CAP Utah to provide training and technical assistance to contract agencies throughout the state.

CAA input on technical assistance needs is gathered by SCSO and included in the State Plan. Opportunities for CAAs to share input with SCSO include the annual application, webinar discussions, and discussions held as the State Plan is drafted.

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## CSBG DISCRETIONARY FUNDS

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### DISCRETIONARY OVERVIEW

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CSBG Discretionary Funds, 5% of the CSBG allocation to the State, may be used at the State's discretion for projects that are consistent with the purposes of the CSBG legislation. SCSO may award discretionary grants for a wide variety of projects as indicated within the State Plan. Organizations eligible to receive grants supported through discretionary funds include Utah's CAAs, CAP Utah, and other organizations that support ameliorating the causes and conditions of poverty in Utah.

- A. Sections of SCSO's CSBG policies and procedures which address requirements specific to CAAs may not apply to all recipients of grants supported through the State's CSBG discretionary funds.
- B. CSBG Discretionary funding opportunities will be publicly posted and SCSO will adhere to HCD's public notice policy.
- C. CSBG Discretionary applications for funds will be reviewed and scored by a community panel including Housing & Community Development Division staff. Proposals must receive at least 50% of possible points to be considered for funding.
- D. Organizations selected to receive a discretionary award will be assessed for eligibility by checking SAM prior to issuance of a financial award and by conducting a risk assessment.

- E. Organizations selected to receive a CSBG discretionary award will be informed of audit requirements and will be assessed for the applicability of the requirements.

Projects supported by discretionary funds are subject to reporting requirements defined within the grant award agreement.

Discretionary awards are subject to CSBG monitoring.

In the case of unused discretionary funds, the funds will be allocated to CAAs according to formula.

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## RESULTS-BASED ACCOUNTABILITY (RBA)

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Result-Based Accountability (RBA) is a performance measurement methodology used by Utah’s Department of Workforces Services (DWS) and incorporated into DWS’ contracting and monitoring language and expectations. SCSO, housed within DWS, includes RBA language and expectations in its CSBG and CSBG Discretionary awards and monitoring activities. In the interest of demonstrating impact of a grant award, applications, scopes of work and monitoring tools will be designed to gather information about:

- what change has occurred?
- how much change has occurred?
- what did the agency do well?
- over what period of time?

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## MONITORING

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### PROGRAM MONITORING

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Program monitoring of CSBG contracts and a State led assessment of compliance with the CSBG Organizational Standards will occur in a two part process in which initial contract outcomes and drawdown performance are reviewed within 12 months of the start date. This initial review is referred to as the Year 1 Review. The second review, referred to as Year 2 Review, includes full assessment for compliance with the organizational standards and verification of information provided in the Year 1 review. The Year 2 Review is conducted between months 13 and 18 of the contract. If the contract extends beyond 2 years, Year 2 Review will be conducted annually after the initial Year 2 review until contract expiration. Year 1 Review will be conducted remotely via survey and response. Year 2 Review will be conducted on-site or remotely, as federally permitted. Both Year 1 and Year 2 reviews include desk-top review.

The CAA will receive advance notice of both types of monitoring review. The Year 1 Review Notice will consist of an email notification including a survey attachment and deadline for return

to SCSO. The Year 2 Review provides advance email notification of the on-site (or remote) program monitoring appointment. Prior to the appointment, a CSBG pre-visit questionnaire will be mailed to the agency and must be completed and returned to SCSO one week prior to the appointment. SCSO staff will review the CAA's grant award to determine if the agency is reporting and filing claims in a timely manner.

During the Year 2 program monitoring process, SCSO staff will complete a thorough review of the following areas using a monitoring tool provided to the agencies with the monitoring notification letter and posted on the SCSO website.

- Reporting Requirements
- Agency Board and By-laws
- Minutes from Agency Board Meetings
- Board Roles and Responsibilities
- Board Operations
- Personnel Assigned to the CSBG Program
- Personnel Policies
- Program Objectives
- Client Files and Eligibility
- Client Files for Those Receiving Direct Services
- Organizational Standards

In order for SCSO staff to be efficient with the time allotted for an on-site program monitoring, the CAA is required to make requested documents available for the program specialist to review. Some documentation may be requested in advance. A list of required documents will be provided to each agency in a pre-visit packet.

Client files should, at a minimum, include the following items and information:

- Client demographics
- Case management log and notes
- Sum of eligible income for all those 18 and older in the household
- Copy of income documentation or signed zero income statement
- Types of assistance received
- Linkages / referrals made
- Client signature attesting to veracity of information reported
- Client signature for sharing information, if applicable
- Indication of Approval/Denial of services—and client signature

**A total of 10% or 10 client files (whichever is more with a cap of 60 files) will be reviewed during the monitoring visit.**

**Exit Conference:**

Upon completion of a monitoring review, SCSO staff will hold an exit conference with the agency. If the monitoring is conducted remotely, this exit interview may be scheduled at a different time to best accommodate schedules of all parties. Preliminary areas of noncompliance, if any are found, will be summarized and discussed with the CAA Executive Director and/or designated staff during

the exit conference. The grantee is given the opportunity to provide comments and present additional information or explanation regarding specific deficiencies as time permits during the exit conference and also as a response to the preliminary monitoring report.

**Report:**

Monitoring outcomes and compliance with organizational standards results will be provided in the same report. A brief description will be provided for each deficiency. The specific program requirement, Uniform Guidance reference, or other regulation should be cited, along with a clear explanation as to why the evidence gathered leads the SCSO reviewer to conclude that the agency is not in compliance.

The preliminary report invites agency response. SCSO staff will issue a final report after receiving and reviewing the agency response to the preliminary report.

**Desk-monitoring:**

CAA documents and materials that are (or can be made) readily available to SCSO, are necessary for completing the CSBG onsite review, and would not require the SCSO to visit the CAA to inspect, may be reviewed at the SCSO office as part of the CAA's CSBG onsite review. It is the SCSO's discretion to select the CAA documents and materials to desk-review.

**Follow-Up Monitoring:**

The designated SCSO Staff is responsible for follow-up on any monitoring deficiencies and standards found out of compliance and the correlating corrective action. The SCSO staff will conduct follow-up at every monitoring appointment and at the date designated for completion of the corrective action plan. If it is understood that the entity will not meet the date, the SCSO staff, with proper approval from the SCSO Director, may extend the deadline. On or before the designated deadline, the agency will provide documentation that the deficiency or standard has been met.

If deemed necessary, an on-site follow-up review may be initiated and conducted for an agency that is determined to have a deficiency or area of noncompliance for which appropriate corrective action has not been taken within the timelines detailed in the report. During the follow-up review, each finding listed in the original report will be addressed. Any uncorrected issues will continue to be documented in subsequent site visit reports until satisfactorily corrected or closed. Training and technical assistance will be provided by SCSO as requested to assist the CAA in ensuring resolution of all deficiencies in a timely manner.

**Organizational Standards:**

SCSO will assess eligible entity's compliance with established organizational standards every fiscal year. Review of the standards is incorporated into programmatic monitoring.

The State expects all agencies to be in compliance with the CSBG organizational standards. A compliance rate that is below full conformity will require corrective action for each standard that is



not met. State issued corrective action will be developed in partnership with the agencies and progress will be monitored by the State. The SCSO will provide final approval, determination of corrective action type, and revisions on all required corrective action plans made in partnership with individual agencies.

**Organizational Standard Assessment:**

The organizational standards assessment tool will be part of the State’s monitoring tool and will contain 58 questions for private/nonprofit CAAs and 50 questions for public/governmental CAAs. The tool will give equal weight to all the standards except for the 9 identified in the table below. The following standards will be weighed more heavily than the others due to their correlation with the CSBG Act and other regulations.

<b>Organizational Standards</b>	<b>CSBG Act</b>	
1.1	672 (2)(D)	Maximize participation of low income participants
2.1	676 (b)(5)	Eligible entities will coordinate and establish linkages (partnerships)
3.1	676(b)(11)	Conducts a needs assessment
4.2	676(b)(11)	Community Action Plan requirements
4.3	678E	ROMA
5.1	676B	Tripartite board organization
5.2	676(b)(10)	Low income individuals to petition for representation
8.1	Title 2 Audit Requirement	Title 2 of the Code of Federal Regulations
8.13	CFR 200.333	Record Retention and Destruction

The lack of compliance with the above standards will generate either a Training and Technical Assistance Plan (T/TAP) or a Quality Improvement Plan (QIP). The SCSO staff member and agency designated staff will determine which plan is best suited for the given standard out of compliance.

**Organizational Standard Assessment Process:**

State-Assessment & Self-Assessment: When the CAA is scheduled for monitoring, a review for compliance with the organizational standards will also be conducted by the SCSO. The agency is encouraged to use a self-assessment process so as to monitor its own compliance with the CSBG organizational standards.

Format: The State will perform the assessment as part of the monitoring process giving the entity an opportunity to explain questions and deficiencies found during the assessment.

Deficiencies: At the end of the monitoring/assessment the SCSO staff will hold an exit conference with the agency. If there are standards that are out of compliance, they will be briefly discussed.

The grantee is given the opportunity to provide comments and present additional information or explanation regarding a specific deficiency when the preliminary report is sent. SCSO will consider agency response and input in developing the final report and determining appropriate action to address the deficiency.

### **FISCAL MONITORING:**

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A Fiscal Representative of the Department of Workforce Services (DWS) will conduct on-site visits for the primary purpose of monitoring expenditures and accountability of CSBG and local share funds. This monitoring will include a general review of the overall fiscal integrity of the agency, as well as an in-depth review of selected fiscal activities.

As required under Section 678B(a) of the Act, the Fiscal Representative conducts the following reviews of entities receiving CSBG awards:

- a) A full on-site review of each eligible entity at least once during each three-year period to determine whether they meet the performance goals, administrative standards, financial management requirements, and other State requirements through the review of agency records and interviews with agency personnel, board members and clients;
- b) An on-site review of each newly designated entity immediately after the completion of the first year in which such entity receives funds through the CSBG program.
- c) Follow-up reviews, including prompt return visits to eligible entities that fail to meet the goals, standards, and requirements established by the SCSO. This is accompanied by specialized technical assistance needs identified in the initial monitoring visit and any subsequent visits or interactions;
- d) Other reviews as appropriate, including risk assessments and reviews of entities whose independent audit report indicates serious internal control problems or other significant findings and entities with programs that have had other Federal, State or local grants (other than assistance provided under the CSBG program) terminated for cause.

Randomly selected samples of expenditures selected from periodic financial reports submitted on RFF's are tested for compliance with the regulations and requirements of the CSBG grant award and for conformity with Generally Accepted Accounting Principles to determine that adequate systems and controls are in place to safeguard the Federal funds, and that Federal funds are being used according to the approved budget.

As a condition of the CSBG grant award, recipients must comply with the requirements 45 CFR Part 75. DWS fiscal staff will review the annual audits of each CSBG grantee and periodically review monitoring reports available from other funding sources. The financial reports to the Board of Directors will also be subject to review by DWS fiscal representatives. In addition to on-site and desktop reviews, fiscal staff will provide training and technical assistance as requested or deemed necessary.

**Required Financial Practices and Carry over:**

Each eligible entity shall have an audit prepared in accordance with 2CFR part 200, sub-part F. An independent CPA selected by the board of each eligible entity will conduct the agency’s annual audit. Audit reports shall be submitted to the Federal Audit Clearinghouse and Office of the State Auditor in accordance with Federal and State rules and regulations.

Eligible entities shall solicit bids for an independent auditor at least every five years.

Eligible entities (grant award recipients) are to design programs to expend all CSBG funds during the grant award period for which funds are allocated. However, if any funds are not spent at the end of the fiscal year, the State may allow the carry-over of such funds to be used as part of their programming in the following fiscal year as allowed under Sec. 679 (6).

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## COOPERATION WITH FEDERAL INVESTIGATIONS

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Per the Community Services Block Grant Act (42 U.S.C. 9901 et seq), (The Act), as amended by the COATS Human Services reauthorization Act of 1998, as noted in 676 (b) (7) the CSBG state office will provide "an assurance that the state will permit and cooperate with Federal investigations undertaken in accordance with section 678D." Eligible entities’ acceptance of compliance with the assurances is a component of CSBG contracts. Thus, cooperation with Federal investigations is permitted, required and expected.

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## CORRECTIVE ACTION

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The following are the four levels of corrective action the State may use when a CAA is found to be in noncompliance during a review of the organizational standards or monitoring of contract and performance.

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### CORRECTIVE ACTION DEFINITIONS:

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There are four levels of corrective action:

1. Level One is a simple Corrective Action Plan (CAPL). This plan will be put in place if it is determined that an agency has the fiscal capacity and the human capital capacity to correct the deficiency. This plan will be developed in partnership with

the SCSO program specialist and the entity found out of compliance. Adequate deadlines will be determined and additional meetings as needed. Please see the Reporting section for procedures.

2. Level Two is a training and technical assistance plan (T/TAP). This plan is put in place when an agency is determined to not have adequate resources and or human capital to come into compliance. This will be created in partnership with the agency and the SCSO Program Specialist. The SCSO will work with the State CAP Association to deliver and implement the T/TAP. The State will be in charge of the follow-up and reporting as stated in the Reporting section.
3. Level Three is the Quality Improvement Plan (QIP). If an entity is required to develop this plan, it is due to serious noncompliance issue(s). This is the last plan implemented before termination or reduction of funding and will be implemented if either level one or level two plans have not been successful at correcting the deficiency. The policy for developing a QIP is as follows: once the finding is reported to the agency the agency has 60 days to submit a QIP to the State and 30 days for the State to approve it (CSBG Act 678C(a)(4)(A,B)). Appropriate time limits and reviews will be developed as necessary.
4. Level Four is termination or reduction of funding. The State will follow steps identified above and provide adequate time for review and appeal (CSBG Act 678C(a)(5)). However, the State will not move to terminate or reduce funding until it has offered and/or provided adequate training and technical assistance and or allowed an agency to develop and carry out an adequate QIP.

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## CORRECTIVE ACTION PROCESS

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### **CAPL/TTAP/QIPs:**

In the case of violations or discrepancies with Federal and State laws governing CSBG programs discovered through the Department's monitoring, assessing of standards, and auditing activities, the agency shall be notified of the violation or discrepancy immediately using the determined reporting methods (above). Below is SCSO's corrective action process, which will be followed, should an eligible entity be determined non-compliant.

1. When the SCSO has determined that an eligible entity has a specific deficiency, the State will communicate the deficiency to the eligible entity and require the eligible entity to correct the deficiency. (This may be either a corrective action plan—CAPL—or a technical assistance plan—TTAP). To establish compliance with the requirements of the CSBG Act, records of correspondence or other communications related to an enforcement action against an eligible entity will be maintained.
2. The State will offer training and technical assistance to help an eligible entity correct identified deficiencies or failures to meet requirements and standards. Technical assistance may be offered concurrently with the notification of a deficiency or deficiencies and should

focus on the specific issues of the eligible entity to the extent possible. This is called a Technical Assistance Plan (TTAP).

3. If the State determines that training and technical assistance are not appropriate, the State may prepare and submit a report to the Secretary of HHS stating the reasons that technical assistance is not appropriate. Some examples of situations in which a State may determine that technical assistance is not appropriate may include, but are not limited to, the following:
  - A deficiency for which the eligible entity has the expertise and skills available within the organization to make corrective actions without assistance. (CAPL)
  - A Deficiency for which the State has previously provided technical assistance and the eligible entity has failed to institute corrective actions;
  - Multiple, widespread, and/or repeated deficiencies that cannot feasibly be addressed through technical assistance;
  - A deficiency that involves evidence of fraudulent reporting or use of funds, or other evidence of criminal wrongdoing.
4. At the discretion of the State, the State allows the entity to develop and implement, within 60 days after being informed of the deficiency or following the inadequate execution of a technical assistance plan, a quality improvement plan (QIP) to correct such deficiency within a reasonable period of time, as determined by the State. The State will review and issue a decision on whether to approve the plan not later than 30 days after receiving the plan from an eligible entity. If the State does not accept the plan, the State will specify the reasons why the proposed plan cannot be approved and will, in partnership with the entity, develop and implement a different QIP with a stated time frame.
  - a. SCSO will report to the Federal OCS any QIP within 30 calendar days of the QIP being created and approved. The report will contain the agency undergoing the QIP, the deficiency being addressed, the rationale for the QIP, and the QIP in its entirety.

**Compliance:**

Once compliance is determined, the Agency will receive from the SCSO confirmation of compliance and closure of the finding(s). If compliance is not met, the process will be repeated for determining proper corrective action. If compliance continues to not be met after no more than three corrective action plans have been in place, the State will move to a termination of funding, unless the agency can prove that they cannot meet the standards due to a lack of training or capacity.

Disallowed Costs:

Any disallowed costs identified during monitoring must be paid back to the State. The CAA will work with the Finance Manager for process of repayment.

**Funding Reduction or Termination:**

Should the eligible entity not comply with corrective action steps, the SCSO will provide adequate notice and an opportunity for an HCDD hearing prior to terminating organizational eligibility for CSBG funding or otherwise reducing the proportional share of funding to an entity for cause. The CSBG Act does not include any State or Federal authority to waive the requirement of an opportunity for a hearing.

After providing an opportunity for a hearing, if the State finds cause for termination or reduction in funding, the State may initiate proceedings to terminate the designation of or reduce the funding to an eligible entity unless the entity corrects the deficiency. If the SCSO determines that funding will be reduced or that eligibility for CSBG funds will be terminated, the State must notify, in writing, both the entity and the Federal OCS of the decision.

A Federal review of the State's decision to reduce or terminate funding may be initiated through a request from the affected organization. An eligible entity has 30 days following notification by the State of its final decision to request a review by the Secretary HHS.

- If a request for a review has been made, the State will not discontinue present or future funding until HHS responds to the request. Requests for Federal review must be received by OCS within 30 days of notification of a State decision. If no request for review is made within the 30-day limit, the State's decision will be effective at the expiration of the time.
- A review by HHS shall be completed no later than 90 days after HHS receives from the State all necessary documentation relating to the determination to terminate the designation or reduce the funding. If the review is not completed within 90 days, the determination of the State shall become final at the end of the 90<sup>th</sup> day.

SCSO will adhere to the requirements in the CSBG Act (Section 678C) and the federal guidance provided in the OCS, CSBG Information Memorandum, Transmittal #116 for terminating or reducing CSBG program funding to noncompliant CAAs.

Utah's CSBG State Plan and Application (Section 10: Monitoring, Corrective Action, and Fiscal Controls (Corrective Action, Termination and Reduction of Funding Assurance Requirements)) assures that any CAA that received CSBG program funding the previous fiscal year will not have its funding terminated or reduced below the proportional share of funding the CAA received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the SCSO determines that cause exists for such termination or such reduction, subject to review by OCS as provided in the CSBG Act (Section 678C(b)).

## DESIGNATION/ DE-DESIGNATION/RE-DESIGNATION

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SCSO will adhere to the requirements in Section 678C of the CSBG Act and the Federal guidance provided in Office of Community Services, CSBG Information Memorandum, Transmittal No. 116 to terminate the designation of eligible entities. Additionally, SCSO will adhere to the requirements in Section 676A of the CSBG Act and the Federal guidance provided in Office of Community Services, CSBG Information Memorandum, Transmittal No. 42 to designate eligible entities.

### **Designation:**

#### **Historical Designation:**

An eligible entity that carried a designation of Community Action Agency or other qualifying organization as of the day before the enactment of the Coats Human Services Reauthorization Act of 1998, has retained that designation, so long as it has maintained a tripartite board and not been de-designated by SCSO. These agencies are eligible to receive CSBG funds.

#### **New Eligible Entity Designation:**

**Short Term:** When an area is unserved due to an existing eligible entity relinquishing funds, de-designation, or other circumstance, SCSO will seek to ensure the area receives services as soon as possible through an existing eligible entity, preferably one that is contiguous, though not necessarily.

**Long Term:** SCSO may release a solicitation to designate a new eligible entity for an unserved area. Qualified entities (a private nonprofit or public governmental agency with a tripartite board that is in compliance with --and having a mission that aligns with --the CSBG Act) may compete for designation by completing the application process which may include a Community Needs Assessment, Community Action Plan, and SCSO application. SCSO will adhere to the requirements in Section 676A of the CSBG Act and to the federal guidance provided in the Office of Community Services, CSBG Information Memorandum, Transmittal No. 42 to designate new eligible entities. Applications will be reviewed and scored, and a new eligible entity identified.

### **De-Designation:**

De-designation results from a CAA voluntarily relinquishing its CSBG funds and jurisdictional role as an area's community action agency, from termination (as detailed in the process noted above), or from another circumstance which prevents the CAA from serving as the jurisdiction's community action agency. With de-designation, SCSO no longer recognizes the former CAA as eligible to receive CSBG funding.

#### Suspension and Withholding of Financial Support:

SCSO may suspend payment of CSBG funds to a CAA when it determines the eligible entity voluntarily relinquishes CSBG funds for any reason or "after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b) 3". The withholding of funds will be determined on an individual basis based on the seriousness of the circumstances after adequate training and technical assistance has been provided. The eligible entity's executive director/signatory authority and chair of the tripartite board/advisory committee will be notified in writing of SCSO's intent to suspend payment of CSBG funds. The notification will include an identification of the grounds for the suspension and may define the quality improvement that is necessary to resolve the suspension. If the eligible entity wishes to appeal the action, it must submit a written request, signed by the signatory authority and chair of the tripartite board/advisory committee, to the CSBG Program Manager seeking to remove the suspension and addressing the reasons for the suspension through an identification of quality improvement that has been or will be taken. This request must be received by SCSO via email no later than the close of business, ten (10) business days after the issuance of the suspension notice. If SCSO removes the suspension, the eligible entity will be notified in writing. The notice will include any stipulations for such removal, if applicable

#### Termination of an Eligible Entity:

SCSO may pursue termination of the designation of an eligible entity when it determines that one or more of the following applies:

- Discontinued eligible programming, or no longer providing services to income eligible populations
- The eligible entity is engaged in fraudulent or illegal activity related to CSBG program management
- Eligible entity inaction pursuant to a formal suspension of payment of CSBG funds
- Severe and/or persistent deficiencies in management of the CSBG program

Non-voluntary termination of the designation of an eligible entity is pursued only when all attempts to resolve the issues through corrective action, training and technical assistance plans, and quality improvement plans have been exhausted in accordance with CSBG statute under 42 USC §9915 as well as the federal guidance provided by the Office of Community Services, CSBG Information Memorandum, Transmittal No. 116 to terminate the designation of eligible entities.

#### **Re-Designation:**



Re-designation of an agency as an eligible entity may occur if a formerly designated agency applies to serve an unserved area, has addressed any challenges that led to de-designation, and is successful in the application process to be identified as the CAA to serve the unserved area. SCSO will consider re-designation in a manner that is consistent with the federal guidance provided by the Office of Community Services, CSBG Information Memorandum, Transmittal No. 116 as well as with the policies and processes of the competitive bid process identified above with the designation process.

## CSBG TRIPARTITE BOARD

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### TRIPARTITE BOARD REQUIREMENTS

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Federal legislation requires the establishment of a tripartite board. Sections 676B of the Community Services Block Grant Reauthorization Act of 1998 requires that, as a condition of designation, private nonprofit entities and public organization administer their CSBG program through boards that fully participate in the development, planning, implementation and evaluation of the programs serving low-income communities.

#### **Board Composition for Community Action Agencies:**

Private CAAs will have tripartite governing boards. Public CAAs will have tripartite advisory boards.

- One-third (1/3) of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of such elected officials reasonably available and willing to serve on the board is less than one-third (1/3) of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such one-third requirement.
- Not fewer than one-third (1/3) of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served; and each representative of low-income individuals and families selected to represent a specific neighborhood within a community resides in the neighborhood represented by the member.
- The remaining members of the board are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served.

CAAs will retain records documenting the democratic selection of low-income representatives seated on the board.

**Bylaws:**

All CAAs must have written bylaws that are consistent with the CSBG Act and all other applicable regulations, rules as well as with the CSBG Standards. The bylaws of CAAs must define the tripartite composition of the board. The bylaws (or bylaw referenced policy) must also define procedures for democratic selection of low-income representatives.

The bylaws of all CAAs must define the following:

- Composition of board (tripartite requirements);
- Democratic selection process (bylaws may reference a board policy);
- Roles and responsibilities of the board;
- Meeting requirements;
- (Private CAAs) Board committees, which must include description authority of the committees;
- Officers and their duties;
- Procedures for recruiting and seating new board members; (may be policy)
- Meeting frequency;
- Board quorum;
- Number of board members;
- Procedures for removing board members for nonattendance; and
- Procedures for filling vacancies on the board.

**Board Policies:**

The CSBG Act requires tripartite boards of CAAs to fully participate in the development, planning, implementation and evaluation of programs and operations supported by CSBG funds. Board training and policies will reflect this engaged role.

Conflict of Interest: Tripartite boards will have conflict of interest policies and will sign conflict of interest statements at least every two years.

**Procedure to Petition for Representation:**

CAAs must have a procedure in their board bylaws, policy, or procedure manual through which low-income individuals or any community and religious organization can petition for representation on the agency's tripartite board.

*Reference: Section 676(b)(10) of the CSBG Act*

**Board Training:**

Board training is an important activity for both governing and advisory tripartite boards. Training increases understanding of appropriate execution of board roles and responsibilities. Training should include: planning, fiscal oversight, community partnerships, program evaluation, human resources, and ROMA.

SCSO supports board training, directly and through a teaching and technical assistance award to the state association, per agency request made by the executive director and/or board chair.

**Board Vacancies:**

CAAs will notify SCSO in writing of board vacancy status on a quarterly basis and will actively work to fill the position within 90 days. If the position cannot be filled within 90 days, the CAA will submit to SCSO a detailed explanation and action plan for filling the vacancy.

SCSO will track board vacancies to ensure compliance.

**Board—Other:**

As applicable, meetings of the governing/administering tripartite board are subject to the Utah Open and Public Meeting Act. ([https://le.utah.gov/xcode/Title52/Chapter4/C52-4\\_1800010118000101.pdf](https://le.utah.gov/xcode/Title52/Chapter4/C52-4_1800010118000101.pdf))

CAAs will forward approved, tripartite minutes, including board attendance, to SCSO in a timely manner. CAAs will inform SCSO of board meetings, board activities, and board functions.

## RESULTS ORIENTED MANAGEMENT AND ACCOUNTABILITY (ROMA)

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“The Monitoring and Assessment Task Force (MATF), a task force of Federal, state, and local community action officials, created ROMA in 1994. Based upon principles contained in the Government Performance and Results Act of 1993, ROMA provides a framework for continuous growth and improvement among more than 1000 local community action agencies and a basis for state leadership and assistance toward those ends.” (NASCS, 2018)

ROMA is a performance management framework which includes: the CSBG Organizational Standards; the State Accountability Measures; and the Federal Accountability Measures. The ROMA methodology involves practice of a data driven cycle: assessment, planning, implementation, achievement of results, evaluation, and re-assessment, etc. ROMA is required to be integrated into CAA management and administrative processes from conducting a needs assessment, implementing agency-wide strategic planning, the carrying out of services and strategies, and reporting and analyzing data.

The Community Services Network is guided by three broad anti-poverty goals:

- Goal 1: Individuals and families with low incomes are stable and achieve economic security.
- Goal 2: Communities, where people with low incomes live, are healthy and offer economic opportunity.
- Goal 3: People with low incomes are engaged and active in building opportunities in communities.

CAAs will use ROMA methodology in their work toward realization of these goals. CAAs will report on the progress in meeting these goals via the CSBG Annual Report (Modules 2-4):

- Module 2—CSBG Eligible Entity Expenditures, Capacity, and Resources
- Module 3—Community Level
- Module 4—Individual and Family Level

CAAs are required through compliance with the organizational standards to implement actions that focus on results-oriented management and results-oriented accountability. CAAs develop and implement strategies to measure and record improvements in the condition of low-income people

and communities in which they live that result from community action intervention. Information about outcomes and results are used by CAA tripartite boards and staff to determine overall effectiveness of programs, inform annual and long term planning, and to support agency advocacy, funding, and community partnership activities.

## COMMUNITY NEEDS ASSESSMENT

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Section 676(b)(11), of the CSBG Act states “...an assurance that the State will secure from each eligible entity in the State...a community action plan...that includes a community needs assessment for the community served, which may be coordinated with community needs assessments conducted for other programs...” In 2015, HHS issued [Information Memorandum No. 138](#) establishing Community Services Block Grant (CSBG) Organizational Standards requiring CAAs to conduct a Community Needs Assessment (CNA) and develop a Community Action Plan (CAP) to address the needs identified in the needs assessment. Reference to the CNA and the CAAs requirement to systematically gather and analyze data about poverty within the community is found in 13 of the organizational standards:

- **Standard 1.1** – The organization demonstrates low-income individuals’ participation in its activities.
- **Standard 1.2** – The organization analyzes information collected directly from low-income individuals as part of the community assessment.
- **Standard 1.3** – The organization has a systematic approach for collecting, analyzing, and reporting customer satisfaction data to the governing board.
- **Standard 2.2** – The organization utilizes information gathered from key sectors of the community in assessing needs and resources, during the community assessment process or other times. These sectors would include at minimum: community-based organizations, faith-based organizations, private sector, public sector, and educational institutions.
- **Standard 3.1** – The organization conducted a community assessment and issued a report within the past 3 years.
- **Standard 3.2** – As a part of the community assessment, the organization collects and includes current data specific to poverty and its prevalence related to gender, age, and race/ethnicity for their service area(s).
- **Standard 3.3** – The organization collects and analyzes both qualitative and quantitative data on its geographic services area(s) in the community assessment.
- **Standard 3.4** – The community assessment includes key findings on the causes and conditions of poverty and the needs of communities assessed.
- **Standard 3.5** – The governing board formally accepts the completed CNA
- **Standard 4.2** – The organization’s Community Action plan is outcome-based, anti-poverty focused, and ties directly to the community assessment.
- **Standard 4.3** – The organization’s Community Action plan and strategic plan document the continuous use of the full ROMA cycle or comparable system. In addition, the organization documents having used the services of a ROMA-certified trainer (or equivalent) to assist in implementation.

- **Standard 6.4** – Customer satisfaction data and customer input, collected as a part of the community assessment, is included in the strategic planning process.
- **Standard 9.1** – the organization has a system or systems in place to track and report client demographics and services customers receive

CNAs should be more than just a gathering and an analysis of data. They may be the basis for creating change: for families, the agency, and for the community. CAAs will complete and submit the triennial assessment per SCSO instruction. Submission will include:

1. Needs Assessment
2. Data Analysis
3. Prioritization
4. Community Action Plan

SCSO may also ask for all back-up documentation to be included with submission and SCSO may request electronic submission.

SCSO will review the submissions for compliance, completeness, detail, and quality of analysis, prioritization, and plan. If a CNA submission (including the data analysis, prioritization, and CAP) is found to be insufficient, it will be returned to the CAA. Teaching and technical assistance and/or corrective action will be put in place to ensure compliance and that a thorough needs assessment is conducted.

## STRATEGIC PLAN

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Each CAA shall have a strategic plan in place that has been approved by the governing/administering board within the past five years. The strategic plan will address not only internal-facing agency goals, but also outward-facing community goals derived from the needs assessment and community action plan. The plan shall contain family, agency, and/or community goals. The governing/administering board shall receive, at a minimum, an annual update on progress in meeting the goals of the strategic plan. CAAs shall ensure that SCSO is in possession of a current, dated copy of the board approved strategic plan.

## PERSONNEL POLICIES

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Each CAA shall maintain, at minimum, the following personnel policies. The board of each private nonprofit CAA will develop, review, and approve the agency's personnel policies no less frequently than every five years and will update and amend as needed.

- Classification and pay plan
- Employee selection and appointment
- Conditions of employment and employee performance
- Employee benefits
- Employee-management relations including procedures for filing and handling grievances, complaints and rights of appeal

- Personnel records and payroll procedures
- Job description for all positions
- Drug Free Work Place Policy
- Affirmative Action policy and plan / nondiscrimination policy
- Conflict of Interest Policy (for staff, volunteers, and board members)
- Equal Opportunity
- Prohibit Political Activity or Lobbying
- Whistle Blower

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### CONFLICT OF INTEREST

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CAAs will have a conflict of interest policy and provide policy training for board members, staff, and volunteers. The CAA is responsible for having the policy and training information available for SCSO inspection. This policy should focus on the prevention of self-dealing where there is an appearance of individuals taking advantage of their position within the organization to enrich themselves or to gain other advantage.

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### NONDISCRIMINATION

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The Federal Civil Rights Act of 1964 as amended (42 USC § 2000d) prohibits discrimination on the grounds of color, religion, sex, or national origin. No person may be discriminated against on these grounds in applying for or participating in Federal or State funded assistance or programs.

Any program or activity supported with CSBG funds must comply with all Federal and State nondiscrimination laws, rules, and regulations, including but not limited to:

- A. Title IX of the Education Amendments of 1972 which generally states that no person, on the basis of sex, shall be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance.
- B. Americans with Disabilities Act (ADA) as amended (42 USC § 12101 et seq.) which generally requires that any person otherwise qualified with a disability shall not be excluded from participation in, or denied the benefits of or otherwise subjected to discrimination in any program or activity receiving Federal assistance, by reason of that disability.
- C. The 1975 Age Discrimination Act as amended (42 USC § 6101 et seq.) provides that no person shall be excluded from participation, denied program benefits, or subjected to discrimination on the basis of age, under any program or activity receiving Federal funds.
- D. Other Federal, State or local nondiscrimination statutes which may apply.

SCSO will monitor CAAs to verify that nondiscrimination training has been conducted with new employees within 6 months of hire and with all staff on an annual basis.

## CHILD SUPPORT SERVICES AND REFERRALS

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Per Section 678G(b) of the CSBG Act, CAAs are required to inform custodial parents in single-parent families that they serve about the availability of child support services by referring eligible parents to the local child support agency. Agencies will report on this process during SCSO's on-site monitoring visit.

## COLLABORATION WITH OTHER SERVICE PROVIDERS & WIOA

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CAAs will develop collaborative relationships with other providers of services to low-income individuals and families in their area, including creating linkages and partnerships with WIOA required partners: DWS One Stops and American Job Centers. This may be demonstrated through MOUs and referrals, as well as through integration of community partners and resources into the CAAs community action plan.

## REFERRAL TO DRUG TREATMENT SERVICES

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If the CAA conducts drug testing on any of its program participants, the CAA must inform and refer any participant who tested positive to appropriate treatment services.

## EQUIPMENT DISPOSITION AND EQUIPMENT PURCHASE

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### **Equipment Purchase:**

The purchase of equipment by CAAs with CSBG funds must be allowable by CSBG and done in accordance with CAA procurement policy as well as all applicable Federal and State rules and regulations. Additional guidance is available from the DWS fiscal grant analyst.

### **Equipment Disposition:**

Disposition of CSBG purchased equipment must follow CAA policy and also be consistent with all applicable Federal and State rules and regulations. (See 2 CFR 200- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

## RETENTION OF RECORDS

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Financial records, supporting documents, statistical records and all other records, in whatever format, pertinent to a CSBG award must be retained for a period of six years from the date of submission of the final expenditure report.

If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be **retained until 6 years following** all litigation, claims, or audit findings involving the records have been resolved and final action taken. Consistent with the requirements of attachment A of the contract

## STATE ACCOUNTABILITY MEASURES

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### OVERVIEW:

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P ATTACHMENT B—COVID Policy Memo 10.14.2020 ATTACHMENT B—COVID Policy Memo 10.14.2020art of the CSBG network accountability initiative launched in 2012, the CSBG State Accountability Measures were developed to track, measure and improve State CSBG Lead Agency performance. Direct feedback on performance in several areas is gathered from the CAAs and the state association, reviewed with the network, and used to improve performance.

### AMERICAN CUSTOMER SATISFACTION INDEX (ACSI):

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The ACSI is a survey administered to CAAs and the state association to measure the State's effectiveness in meeting CSBG Act requirements, including development of the State Plan, Distribution of Funds, Use of Remainder/Discretionary Funds. Training and Technical Assistance, Monitoring and Corrective Action, Linkages, and overall satisfaction of CAAs with State partnership.

The State will share ACSI results with the CAAs and state association and will use ACSI survey results to improve its performance and quality of its partnership in each of the areas.

### CSBG STATE PLAN

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SCSO will invite contributions and feedback from the CAAs as well as from the State Association as it develops the CSBG State Plan biannually unless an annual plan is chosen for submission. SCSO will adhere to HCD's policy for public notice and public hearings as it posts the plan for public comment and public hearing.

## REVISIONS TO RULES AND PROCEDURES

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In response to new Federal or State regulations, to changing circumstances among the low-income population, or to resources available to low-income persons, it may, from time to time, be necessary to change CSBG policies and procedures. Therefore, SCSO will periodically review the policies and procedures for CSBG.

- A. As changes are deemed necessary, SCSO will notify all CSBG eligible entities and CAP Utah. Comments will be solicited and considered.
- B. Revisions to the proposed changes to SCSO's CSBG policies and procedures may be made in response to comments.

Changes impacting eligible entities will be communicated to eligible entity executive directors as soon as practicable.



