

## § 2552.104 [Reserved]

**Subpart K—Non-CNCS Funded Foster Grandparent Projects****§ 2552.111 Under what conditions may an agency or organization sponsor a Foster Grandparent project without CNCS funding?**

An eligible agency or organization who wishes to sponsor a Foster Grandparent project without CNCS funding must make an application through the designated grants management system which is approved by CNCS and documented through the Notice of Grant Agreement (NGA).

[83 FR 64653, Dec. 17, 2018]

**§ 2552.112 What are the resources and benefits to which a non-CNCS funded project is entitled?**

The Notice of Grant Award entitles the sponsor of a Non-CNCS funded project to:

- (a) All technical assistance and materials provided to CNCS funded Foster Grandparent projects; and
- (b) The application of the provisions of 42 U.S.C. 5044 and 5058.

[64 FR 14126, Mar. 24, 1999, as amended at 83 FR 64653, Dec. 17, 2018]

**§ 2552.113 What financial obligation does CNCS incur for non-CNCS funded projects?**

Issuance of an NGA to a sponsor of a non-CNCS funded project does not create a financial obligation on the part of CNCS for any costs associated with the project.

[83 FR 64653, Dec. 17, 2018]

**§ 2552.114 What happens if a non-CNCS funded sponsor does not comply with the NGA?**

A non-CNCS funded project sponsor's noncompliance with the NGA may result in suspension or termination CNCS' agreement and all benefits specified in § 2552.112.

[83 FR 64653, Dec. 17, 2018]

**Subpart L—Restrictions and Legal Representation****§ 2552.121 What legal limitations apply to the operation of the Foster Grandparent Program and to the expenditure of grant funds?**

(a) *Political activities.* (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a matter supporting or resulting in the identification of such project with:

(i) Any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election; or

(ii) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

(iii) Any voter registration activity, except that voter registration applications and nonpartisan voter registration information may be made available to the public at the premises of the sponsor. But in making registration applications and nonpartisan voter registration information available, employees of the sponsor shall not express preferences or seek to influence decisions concerning any candidate, political party, election issue, or voting decision.

(3) The sponsor shall not use grant funds in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except:

(i) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests any volunteer in, or employee of such a program to draft, review or testify regarding measures or to make representation to such legislative body, committee or member; or

(ii) In connection with an authorization or appropriations measure directly affecting the operation of the FGP.

(b) *Non-displacement of employed workers.* A Foster Grandparent shall not perform any service or duty or engage

## § 2552.122

in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service.

(c) *Compensation for service.* (1) An agency or organization to which NSSC volunteers are assigned, or which operates or supervises any NSSC program shall not request or receive any compensation from NSSC volunteers or from beneficiaries for services of NSSC volunteers.

(2) This section does not prohibit a sponsor from soliciting and accepting voluntary contributions from the community at large to meet its local support obligations under the grant or from entering into agreements with parties other than beneficiaries to support additional volunteers beyond those supported by CNCS.

(3) A Foster Grandparent volunteer station may contribute to the financial support of the FGP. However, this support shall not be a required precondition for a potential station to obtain Foster Grandparent service.

(4) If a volunteer station agrees to provide funds to support additional Foster Grandparents or pay for other Foster Grandparent support costs, the agreement shall be stated in a written Memorandum of Understanding. The sponsor shall withdraw services if the station's inability to provide monetary or in-kind support to the project under the Memorandum of Understanding diminishes or jeopardizes the project's financial capabilities to fulfill its obligations.

(5) Under no circumstances shall a Foster Grandparent receive a fee for service from service recipients, their legal guardian, members of their family, or friends.

(d) *Labor and anti-labor activity.* The sponsor shall not use grant funds directly or indirectly to finance labor or anti-labor organization or related activity.

(e) *Fair labor standards.* A sponsor that employs laborers and mechanics for construction, alteration, or repair of facilities shall pay wages at prevailing rates as determined by the Secretary of Labor in accordance with the

## 45 CFR Ch. XXV (10–1–23 Edition)

Davis-Bacon Act, as amended, 40 U.S.C. 276a.

(f) *Nondiscrimination.* A sponsor or sponsor employee shall not discriminate against a Foster Grandparent on the basis of race, color, national origin, sex, age, religion, or political affiliation, or on the basis of disability, if the Foster Grandparent with a disability is qualified to serve.

(g) *Religious activities.* (1) A Foster Grandparent or a member of the project staff funded by CNCS shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of his/her duties.

(2) A sponsor or volunteer station may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use CNCS funds to support any inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part.

(h) *Nepotism.* Persons selected for project staff positions shall not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is written concurrence from the Advisory Council or community group established by the sponsor under subpart B of this part, and with notification to CNCS.

[64 FR 14126, Mar. 24, 1999, as amended at 69 FR 60095, Oct. 7, 2004; 83 FR 64653, Dec. 17, 2018]

### § 2552.122 What legal coverage does CNCS make available to Foster Grandparents?

It is within CNCS' discretion to determine if Counsel is employed and counsel fees, court costs, bail and other expenses incidental to the defense of a FGP volunteer are paid in a criminal, civil or administrative proceeding, when such a proceeding arises directly out of performance of the volunteer's activities. The circumstances under

## Corporation for National and Community Service

Pt. 2553

which CNCS may pay such expenses are specified in 45 CFR part 1220.

[83 FR 64654, Dec. 17, 2018]

### PART 2553—THE RETIRED AND SENIOR VOLUNTEER PROGRAM

#### Subpart A—General

Sec.

2553.11 What is the Retired and Senior Volunteer Program?

2553.12 Definitions.

#### Subpart B—Eligibility and Responsibilities of a Sponsor

2553.21 Who is eligible to serve as a sponsor?

2553.22 What are the responsibilities of a sponsor?

2553.23 What are a sponsor's project responsibilities?

2553.24 What are a sponsor's responsibilities for securing community participation?

2553.25 What are a sponsor's administrative responsibilities?

2553.26 [Reserved]

#### Subpart C—Suspension, Termination and Denial of Refunding

2553.31 What are the rules on suspension, termination and denial of refunding of grants?

#### Subpart D—Eligibility, Cost Reimbursements and Volunteer Assignments

2553.41 Who is eligible to be an RSVP volunteer?

2553.42 Is an RSVP volunteer a federal employee, an employee of the sponsor or of the volunteer station?

2553.43 What cost reimbursements and benefits may sponsors provide to RSVP volunteers?

2553.44 May cost reimbursements received by RSVP volunteers be subject to any tax or charge, treated as wages or compensation, or affect eligibility to receive assistance from other programs?

#### Subpart E—Volunteer Terms of Service

2553.51 What are the terms of service of an RSVP volunteer?

2553.52 Under what circumstances may a sponsor remove an RSVP volunteer from service?

#### Subpart F—Responsibilities of a Volunteer Station

2553.61 When may a sponsor serve as a volunteer station?

2553.62 What are the responsibilities of a volunteer station?

#### Subpart G—Application and Fiscal Requirements

2553.71 What is the process for application and award of a grant?

2553.72 What are project funding requirements?

2553.73 What are a sponsor's legal requirements in managing grants?

#### Subpart H—Non-CNCS Funded Projects

2553.81 Under what conditions may an agency or organization sponsor an RSVP project without CNCS funding?

2553.82 What are the resources and benefits to which a non-CNCS funded project is entitled?

2553.83 What financial obligation does CNCS incur for non-CNCS funded projects?

2553.84 What happens if a non-CNCS funded sponsor does not comply with the NGA?

#### Subpart I—Restrictions and Legal Representation

2553.91 What legal limitations apply to the operation of the RSVP volunteer Program and to the expenditure of grant funds?

2553.92 What legal coverage does CNCS make available to RSVP volunteers?

#### Subpart J—Performance Measures

2553.101 What is the purpose of performance measurement?

2553.102 What performance measurement information must be part of an application for funding under RSVP?

2553.103 Who develops the performance measures?

2553.104 What performance measures must be submitted to CNCS and how are these submitted?

2553.105 How are performance measures approved and documented?

2553.106 How does a sponsor report performance measures to CNCS?

2553.107 What must a sponsor do if it cannot meet its performance measures?

2553.108 What happens if a sponsor fails to meet the target performance measures included in the approved grant application?

AUTHORITY: 42 U.S.C. 4950 *et seq.*

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