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hearing before an impartial hearing officer, who has been agreed to by the recipient and AmeriCorps; and

(4) Assistance under the Act shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) Hearings or other meetings as may be necessary to fulfill the requirements of this section should, to the extent practicable, be held in locations convenient to the recipient agency.

(c) The procedures for suspension, termination, and denial of refunding, that apply to the Senior Companion Program are specified in 45 CFR Part 1206.

[64 FR 14115, Mar. 24, 1999. Redesignated at 72 FR 48583, Aug. 24, 2007; 83 FR 64645, Dec. 17, 2018]

## Subpart D—Senior Companion Eligibility, Status, and Cost Reimbursements

### § 2551.41 Who is eligible to be a Senior Companion?

(a) To be a Senior Companion, an individual must:

- (1) Be 55 years of age or older; and
- (2) In order to receive a stipend, have an income that is within the income eligibility guidelines specified in this subpart D.

(b) Eligibility to serve as a Senior Companion shall not be restricted on the basis of formal education, experience, race, color, national origin including limited English proficiency, gender, age, religion, sexual orientation, disability, gender identity or expression, political affiliation, marital or parental status, or military service.

[64 FR 14115, Mar. 24, 1999, as amended at 74 FR 46508, Sept. 10, 2009; 83 FR 64645, Dec. 17, 2018]

### § 2551.42 What types of criminal convictions or other adjudications disqualify an individual from serving as a Senior Companion or as a Senior Companion grant-funded employee?

Any individual who is registered, or who is required to be registered, on a State sex offender registry, or who has been convicted of murder, as defined

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under Federal law in section 1111 of title 18, United States Code, is deemed unsuitable for, and may not serve in, a position as a Senior Companion or as a Senior Companion grant-funded employee.

[74 FR 46508, Sept. 10, 2009]

### § 2551.43 What income guidelines govern eligibility to serve as a stipended Senior Companion?

(a) To receive a stipend, a Senior Companion may not have an annual income from all sources, after deducting allowable medical expenses, which exceeds the program's income eligibility guideline for the State in which he or she resides. The income eligibility guideline for each State is 200 percent of the poverty line, as set forth in 42 U.S.C. 9902 (2).

(b) For applicants to become stipended Senior Companions, income is based on annual income at the time of application. For serving stipended Senior Companions, annual income is counted for the past 12 months. Annual income includes the applicant or enrollee's income and that of his/her spouse, if the spouse lives in the same residence, as calculated in § 2551.44.

(c) Allowable medical expenses are annual out-of-pocket medical expenses for health insurance premiums, health care services, and medications provided to the applicant, enrollee, or spouse which were not and will not be paid by Medicare, Medicaid, other insurance, or other third party payor, and which do not exceed 50 percent of the applicable income guideline.

(d) Applicants whose income is not more than 100 percent of the poverty line shall be given special consideration for enrollment.

(e) Once enrolled, a Senior Companion shall remain eligible to serve and to receive a stipend so long as his or her income, does not exceed the applicable income eligibility guideline by 20 percent.

[64 FR 14115, Mar. 24, 1999, as amended at 67 FR 60998, Sept. 27, 2002; 69 FR 20830, Apr. 19, 2004; Redesignated at 72 FR 48584, Aug. 24, 2007; 74 FR 46508, Sept. 10, 2009; 83 FR 64646, Dec. 17, 2018; 89 FR 70541, Aug. 30, 2024]

**§ 2551.44 What is considered income for determining volunteer eligibility?**

(a) For determining eligibility, “income” refers to total cash or in-kind receipts before taxes from all sources including:

(1) Money, wages, and salaries before any deduction;

(2) Receipts from self-employment or from a farm or business after deductions for business or farm expenses;

(3) Social Security, Unemployment or Workers Compensation, alimony, and military family allotments, or other legally required financial support from an absent family member or someone not living in the household.

(4) Government employee pensions, private pensions, regular insurance or annuity payments, and 401(k) or other retirement savings plans;

(5) Income from dividends, interest, net rents, royalties, or income from estates and trusts.

(b) For eligibility purposes, income does not refer to the following money receipts:

(1) Any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds, gifts, one-time insurance payments or compensation from injury;

(2) Non-cash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or non-farm housing;

(3) Regular payments for public assistance, including Supplemental Nutrition Assistance Program (SNAP);

(4) Social Security Disability or any type of disability payment; and

(5) Food or rent received in lieu of wages.

[64 FR 14115, Mar. 24, 1999, Redesignated at 72 FR 48584, Aug. 24, 2007; 83 FR 64646, Dec. 17, 2018; 89 FR 70542, Aug. 30, 2024]

**§ 2551.45 Is a Senior Companion a federal employee, an employee of the sponsor or of the volunteer station?**

Senior Companions are volunteers, and are not employees of the sponsor, the volunteer station, AmeriCorps, or the Federal Government.

[83 FR 64646, Dec. 17, 2018]

**§ 2551.46 What cost reimbursements are provided to Senior Companions?**

Cost reimbursements and benefits provided by sponsors include:

(a) *Stipend*. The stipend is paid for the time Senior Companions spend with their assigned clients, for earned leave, for administrative leave, and for attendance at official project events. The sponsor may pay a stipend for administrative leave for extenuating circumstances lasting up to seven calendar days, but must obtain AmeriCorps’ written approval to pay a stipend for administrative leave based on extenuating circumstances lasting beyond seven calendar days.

(b) *Insurance*. Insurance is made available to Senior Companions with the AmeriCorps specified minimum levels of insurance as follows:

(1) *Accident insurance*. Accident insurance covers Senior Companions for personal injury during travel between their homes and places of assignment, during their service, during meal periods while serving as a Senior Companion, and while attending project-sponsored activities. Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the Senior Companion from other sources.

(2) *Personal liability insurance*. Protection is provided against claims in excess of protection provided by other insurance. Such protection does not include professional liability coverage.

(3) *Excess automobile liability insurance*. (i) For Senior Companions who drive in connection with their service, protection is provided against claims in excess of the greater of either:

(A) Liability insurance Senior Companions carry on their own automobiles; or

(B) The limits of applicable state financial responsibility law, or in its absence, levels of protection that AmeriCorps determines, and that the sponsor must provide, for each person, and each accident, and for property damage.

(ii) Senior Companions who drive their personal vehicles to, or on, assignments or project-related activities,

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shall maintain personal automobile liability insurance equal to or exceeding the levels established by AmeriCorps.

(c) *Transportation.* Senior Companions shall receive assistance with the cost of transportation to and from, assignments and official project activities, including orientation, training, and recognition events.

(d) *Meals.* Senior Companions may be provided assistance with the cost of meals taken while on assignment, within limits of the project's available resources.

(e) *Recognition.* Senior Companion volunteers shall be provided recognition for their service.

(f) *Physical examination.* Senior Companions may be provided a physical examination or assistance with the cost of a physical examination prior to assignment and annually thereafter.

(g) *Other volunteer expenses.* Senior Companions may also be reimbursed for allowable out-of-pocket expenses incurred while performing their assignments.

[64 FR 14115, Mar. 24, 1999, as amended at 67 FR 60998, Sept. 27, 2002; 69 FR 20830, Apr. 19, 2004. Redesignated at 72 FR 48584, Aug. 24, 2007; 83 FR 64646, Dec. 17, 2018; 89 FR 70542, Aug. 30, 2024]

### **§ 2551.47 May the cost reimbursements and benefits of a Senior Companion be subject to any tax or charge, be treated as wages or compensation, or affect eligibility to receive assistance from other programs?**

No. Senior Companion's cost reimbursements and benefits are not subject to any tax or charge or treated as wages or compensation for the purposes of unemployment insurance, worker's compensation, temporary disability, retirement, public assistance, or similar benefit payments or minimum wage laws. Cost reimbursements and benefits are not subject to garnishment and do not reduce or eliminate the level of, or eligibility for, assistance or services a Senior Companion may be receiving under any governmental program.

[83 FR 64646, Dec. 17, 2018]

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### **Subpart E—Senior Companion Terms of Service**

#### **§ 2551.51 What are the terms of service of a Senior Companion?**

A Senior Companion shall serve a minimum of 260 hours annually, or a minimum of 5 hours per week. A Senior Companion may serve a maximum of 2080 hours annually, or a maximum of 40 hours per week. Within these limitations, a sponsor may set service policies consistent with local needs.

[83 FR 64646, Dec. 17, 2018]

#### **§ 2551.52 What factors are considered in determining a Senior Companion's service schedule?**

(a) Travel time between the Senior Companion's home and place of assignment is not part of the service schedule and is not stipended.

(b) Travel time between individual assignments is a part of the service schedule and is stipended.

(c) Meal time may be part of the service schedule and is stipended.

[64 FR 14115, Mar. 24, 1999, as amended at 83 FR 64646, Dec. 17, 2018]

#### **§ 2551.53 Under what circumstances may a Senior Companion be removed from service?**

(a) A sponsor may remove a Senior Companion from service for cause. Grounds for removal include, but are not limited to: Extensive and unauthorized absences; misconduct; failure to perform assignments or failure to accept supervision. A Senior Companion may also be removed from stipended service for having income in excess of the eligibility level. A Senior Companion shall be removed immediately if ineligible to serve based on criminal history check results.

(b) The sponsor shall establish appropriate policies on removal from service, as well as procedures for appeal.

[83 FR 64647, Dec. 17, 2018]

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

#### **§ 2551.61 May a sponsor serve as a volunteer station?**

Yes. A sponsor may serve as a volunteer station, if the activities are part