

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

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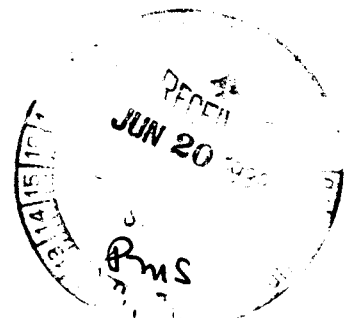
A. J. Zapp 1.02.88

Secretary of State

RULES AND REGULATIONS
COMMUNITY SERVICES BLOCK GRANT

DEPARTMENT OF HUMAN SERVICES

July 1988



Nancy V. Bordeleau
Director

Edward D. DiPrete
Governor

~~State of Rhode Island
Community Services Block Grant Program
Rules and Regulations
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~~State of Rhode Island~~
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1.0 Introduction

~~1.10 Definitions~~

~~Definitions for words and phrases used in these Rules and Regulations are as follows:~~

a. ~~The Community Services Block Grant (CSBG) Act (PL 97-35, as amended) (42 U.S.C. 9901 et seq., as amended)~~

~~Successor legislation to the Economic Opportunity Act of 1964, as amended, and the Community Services Act of 1974, as amended, that provides for the expenditure of funds to ameliorate the causes of poverty within the state~~

b. ~~Department of Health and Human Services (DHHS)~~

~~The federal agency designated to administer funds made available under the terms of the CSBG Act (PL 97-35, as amended)~~

c. ~~Department of Human Services (DHS)~~

~~The Rhode Island state agency designated to administer Community Services Block Grant (CSBG) Act funds made available to the state by DHHS~~

d. ~~Community Services Block Grant (CSBG) Program~~

~~Any activity supported in whole or in part by funds made available under the terms of the CSBG Act (PL 97-35, as amended)~~

e. ~~Community Action Agency (CAA)~~

~~A nonprofit corporation designated as a Community Action Agency (CAA) under the terms of the Economic Opportunity Act of 1964, as amended, or the Community Services Act of 1974, as amended~~

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~~f. Eligible Entity~~

~~A primary contractor for CSBG funded activities must be a non-profit corporation. Eligible entities include: New Visions for Newport County, Inc.; Cranston Community Action Program Committee, Inc.; Self Help, Inc.; Tri Town Economic Opportunity Committee, Inc.; South County Community Action, Inc.; Warwick Community Action, Inc.; Blackstone Valley Community Action Program, Inc.; Providence Community Action Program, Inc.; and other organizations designated by the governor as Eligible Entities provided this designation is done in a manner consistent with applicable federal laws and regulations~~

~~g. Poverty Line~~

~~The level of individual or family income established by the Federal Office of Management and Budget as the criterion for determining eligibility for participation in activities funded in whole or in part with CSBG funds and as further defined by applicable federal laws~~

~~h. Office of Management and Budget Circular A-110~~

~~Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations: Uniform Administrative Requirements)~~

~~The set of policies developed and adopted by the Federal Office of Management and Budget (OMB) to govern grants management for federally funded activities carried out by schools, hospitals, and nonprofit organizations~~

~~i. Office of Management and Budget Circular A-122 (Cost Principles for Nonprofit Organizations)~~

~~The set of policies developed and adopted by the Federal Office of Management and Budget (OMB) to govern the assignment and use of cost principles for federal expenditures made by nonprofit organizations~~

~~j. Governor's Order No. 85-11~~

~~The Executive Order that prohibits discrimination on the basis of race, sex, religion, national~~

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~~origin, age, or handicap in programs and activities funded in whole or in part with state funds~~

~~k. Rehabilitation Act of 1973~~

~~The federal legislation which, among other provisions, prohibits discrimination on the basis of handicap in programs and activities funded in whole or in part with federal funds~~

~~l. Civil Rights Act of 1964~~

~~The federal legislation which, among other provisions, prohibits discrimination on the basis of race, color, or national origin in programs and activities funded in whole or in part with federal funds~~

~~m. CSBG Contractor~~

~~Any sponsor of CSBG supported programs or activities funded in whole or in part through a contractual agreement with the Rhode Island Department of Human Services. CSBG Contractor may also be an Eligible Entity~~

~~n. Board of Directors~~

~~The governing body of a CSBG Contractor~~

~~1.20 Assignment of Administrative Responsibility~~

~~The Rhode Island Department of Human Services (DHS) has been designated to administer the Community Services Block Grant (CSBG) Program.~~

~~1.30 Authority to Issue Regulations~~

~~These regulations have been issued under the authority provided in Title 40, Chapter 1 of the General Laws of the State of Rhode Island.~~

~~RHODE ISLAND CSBG RULES AND REGULATIONS~~

~~1.40 Purpose and Scope of Regulations~~

~~These regulations have been issued to insure that:~~

- ~~a. The expenditure of CSBG funds complies with the requirements of the CSBG Act (PL 97-35, As I Amended), and~~
- ~~b. CSBG funds are spent in an effective and efficient manner.~~

~~1.50 Severability of Regulations~~

~~The provisions of these regulations are severable. If any provision is held to be unconstitutional, or held to be a violation of statute by any court of competent jurisdiction, or otherwise ceases to be effective, all other provisions of these regulations will remain in effect.~~

~~RHODE ISLAND CSBG RULES AND REGULATIONS~~

~~2.0 CSBG Contractors~~

~~2.10 Eligible Entities~~

~~Community Action Agencies and nonprofit, private organizations designated as Eligible Entities by the governor I will serve as Eligible Entities for the CSBG Program.~~

~~2.11 Community Action Agencies~~

~~Special consideration in the selection of Eligible Entities to serve as CSBG Contractors will be given to nonprofit, private, community organizations designated as Community Action Agencies as of September 30, 1981, under the terms of Section 210 of the Economic Opportunity Act of 1964, as amended; provided these agencies meet state program and fiscal requirements.~~

~~2.12 Designated Eligible Entities~~

~~If a geographic area of the state is not served by an existing Eligible Entity, the governor may choose to create an Eligible Entity to serve this area. Creation of any such Eligible Entity will be done in a manner consistent with the provisions of the CSBG Act, (PL 97-35, as amended).~~

~~2.20 Other CSBG Contractors~~

~~Organizations that serve seasonal or migrant Farmworkers as described in Section 675(c)(2)(A) of the Community Services Block Grant Act (PL 97-35, as amended) can be recipients of CSBG funds not earmarked for Eligible Entities under the terms of this Act.~~

~~2.30 Conformance with Federal Requirements~~

~~All CSBG Contractors will be structured and will operate in a manner consistent with the terms of the Community Services Block Grant Act, (PL 97-35, as amended) and all applicable federal and state statutes.~~

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~~3.0 The Funding Application Process~~

~~3.10 Program Purpose~~

~~CSBG funds will be used:~~

- ~~a. To provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the state and in those areas of the state where poverty is a particularly acute problem;~~
- ~~b. To provide activities designed to assist low-income participants including the elderly poor—~~
 - ~~* to secure and retain meaningful employment;~~
 - ~~* to attain an adequate education;~~
 - ~~* to make better use of available income;~~
 - ~~* to obtain and maintain adequate housing and a suitable living environment;~~
 - ~~* to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs including the need for health services, nutritious food, housing, and employment related assistance;~~
 - ~~* to remove obstacles and solve problems which block the achievement of self-sufficiency;~~
 - ~~* to achieve greater participation in the affair of the community; and~~
 - ~~* to make more effective use of other programs related to the purposes of the CSBG Act;~~
- ~~c. To provide on an emergency basis for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;~~
- ~~d. To coordinate and establish linkages between governmental and other social service programs to assure the effective delivery of such services to low income individuals; and~~

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~~e. To encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the state.~~

~~3.20 Eligible Program Participants~~

~~Participation in programs funded in whole or in part with CSBG funds will be limited to individuals and families having incomes that fall at or below One Hundred Twenty-Five percent (125%) of the most current poverty level as defined by the Director of the United States Office of Management and Budget.~~

~~3.30 CSBG Contractor Planning~~

~~Planning done relating to the use of CSBG funds will involve: an annual community needs analysis; input from community residents; and the establishment of annual program priorities.~~

~~3.31 Annual Community Needs Analysis~~

~~An annual community needs analysis will be conducted using instructions provided by DHS. At a minimum, this analysis will include: a description of the nature and extent of poverty-related problems in the area; an inventory of area public and private human resource agencies and organizations; a description of area human resource programs and services available to low-income persons; and an assessment of significant gaps in the area's human resource system.~~

~~3.32 Community Input~~

~~Input from community residents will be used in completing a CSBG community needs analysis; and the nature and extent of I this input will be documented.~~

~~3.33 Priority Setting~~

~~Annual program priorities will be developed that relate to: significant subsegments of the overall poverty population which will be served; poverty problems which will be addressed; and problem solving strategies which will be used. The criteria used to select these priorities will be documented.~~

~~3.40 Funding Applications~~

~~Applications for CSBG funds will include: an annual community needs analysis; program goals; program objectives; a I timetable for achievement of goals and objectives; an evaluation component; and a budget.~~

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~~3.41 Program Goals~~

~~Program goals will describe changes which will be brought about in problem conditions faced by identified subsegments of the poverty population. Goals will reflect priorities established both in regard to subsegments of the poverty population to receive assistance and in regard to poverty problems that will be addressed. If goals do not reflect priorities that have been adopted in the course of planning efforts, an explanation for differences in this regard will be provided.~~

~~3.42 Program Objectives~~

~~Program objectives will quantify problem solving activities that will be carried out to achieve program goals and will reflect priorities established in regard to the use of problem-solving approaches. An explanation will be provided if problem-solving activities described in applications do not reflect established priorities. Coordination between CSBG funded problem-solving activities and those supported through other sources will be reflected in program objectives.~~

~~3.43 Timetables~~

~~Timetables will provide both a schedule and milestones for the achievement of program goals and objectives.~~

~~3.44 Evaluation~~

~~Evaluation components will: provide a description of the evaluation process that will be used and evaluation products that will be developed; identify the persons and/or organizational elements responsible for evaluation efforts; and include a timetable for evaluation events and the development of evaluation products. Provision will be made for the submission of periodic evaluation reports to DHS.~~

~~3.45 Program Budgets~~

~~Program budgets will follow a format provided by DHS.~~

~~3.50 Approval Process~~

~~Applications will be reviewed and approved by DHS if they:~~

~~a. Conform with the CSBG Act and the current Rhode I Island State Plan for the use of CSBG funds;~~

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~~b. Are responsive to community needs as reflected in an annual community needs analysis;~~

~~c. Are responsive to DHS application requirements; and~~

~~d. Have been submitted by an entity with fiscal management capability sufficient to insure that funds will be properly spent and accounted for.~~

~~The Director of DHS, based upon the above criteria, the availability of federal funding, and the use of her/his Discretion where allowed, will make the final determination concerning the allocation of CSBG funds.~~

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~~4.0 Board Operations for Eligible Entities~~

~~4.10 Board Membership Limitations of Non profit Corporations~~

~~The Boards of Directors of Eligible Entities will consist of at least fifteen (15) but not more than fifty one (51) members.~~

~~4.20 Board Composition~~

~~The composition of Eligible Entity Boards of Directors will be as follows:~~

~~a. One third of the members of the Board are elected public officials currently holding office or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one third of the membership of the Board, membership on the Board of appointive public officials may be counted in meeting this one third requirement;~~

~~b. At least one third of the Board will be persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served; and~~

~~e. The remainder of the Board will be officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community.~~

~~4.30 Public Sector Representation~~

~~To the extent they are willing and able to serve, elected public officials or their representatives will comprise one third of the Board.~~

~~4.31 Designation~~

~~At their discretion, the governing officials of political subdivisions will designate the public officials to serve on the Board or designate the public agencies to be represented on the Board.~~

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~~4.32 Public Sector Members and Representatives~~

~~Public officials designated to serve as Board members under the terms of Section 4.31, above, may serve on the Board themselves or may select a permanent representative to serve in their behalf. This representative need not be a public official.~~

~~4.33 Public Agency Representation~~

~~Any public agency designated by governing officials to select a Board member may do so in the manner of the agency's choosing. This may include the selection of an alternate to serve in the absence of the regular Board member.~~

~~4.34 Allocation of Public Sector Seats~~

~~If one third of the Board seats is less than the number of chief elected officials of political subdivisions or groups of subdivisions in an area served by an Eligible Entity, these officials shall decide how public sector seats shall be allocated among the political bodies represented.~~

~~4.35 Limitations in Regard to Length of Service~~

~~Public officials or their representatives on the Board may serve on the Board as long as the official holds public I Office.~~

~~4.40 Low income Sector Representation~~

~~Persons democratically elected or selected by low income persons will comprise at least one third of the Board.~~

~~4.41 Election or Selection~~

~~Representatives of low income persons and their alternates will be chosen by means of democratic election or selection procedures adequate to insure they represent low income persons in the geographic area served by the Eligible Entity.~~

~~4.42 Election or Selection Options~~

~~Among the election or selection procedures which may be I used, either separately or in combination, are the following:~~

~~a. Nomination and election within all or a portion of the geographic area served by an Eligible Entity;~~

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~~b. Selection at a meeting or conference of low income persons, provided advance notice of the meeting or conference and of intent to make such a selection or selections is given to the general public and provided this notification involves a special effort to inform low income community residents of the meeting and its purposes;~~

~~e. Selection or election by low income persons of persons who meet to elect or select a low income representative or representatives to the Board; and/or~~

~~d. Selection or election by the membership or Board of a group or organization composed primarily of low income persons.~~

~~4.43 Income Restrictions for Electors and Selectors~~

~~Only persons living in families whose income is at or below One Hundred Twenty Five percent (125%) of the poverty line will be permitted to vote or to participate in any selection process for low income representatives on Eligible Entity Boards of Directors.~~

~~4.44 Limitations in Regard to Terms of Service~~

~~Board members representing low income persons will not serve more than six (6) consecutive years from the effective date of these Rules and Regulations. These persons can be reelected or reselected to serve on the Board for four (4) additional years provided an interval of twelve (12) months passes between periods of Board service.~~

~~4.45 Place of Residence~~

~~If Board members have been appointed, elected, or selected in a manner that results in their representing persons who reside in a particular geographic segment of an overall CSBG Contractor service area, these members must reside in this geographic segment.~~

~~4.50 Private Sector Representation~~

~~Representative of business, industry, religious, labor, welfare, education, or other major groups or interests in the community will comprise the portion of the Board that is not made up of public sector and low income sector representatives.~~

~~RHODE ISLAND CSBG RULES AND REGULATIONS~~

~~4.51 Diversity of Interests~~

~~The business, industry, religious, labor, welfare, education, and other major groups or interests in the area to be represented on an Eligible Entity Board will be selected in a manner that insures the Eligible Entity benefits from contact with and support from a diverse range of private sector interests.~~

~~4.52 Selection of Members and Alternates~~

~~An organization selected to fill a seat on the Board, shall name an individual to be its representative on the Board using any procedure desired. The organization may also name a second person to serve as an alternate for this representative. The representative or the alternate, as appropriate, will be empowered to speak for and act on behalf of the organization in connection with the Board's business.~~

~~4.53 Allocation of Private Sector Seats~~

~~If one third of the Board seats is less than the number of organizations that want to be represented on the Board, the Board will develop and implement a rotation plan for private sector representation that will insure both that organizations desiring representation on the Board are accommodated in this regard and that a diverse set of private sector interests are always represented on the Board.~~

~~4.54 Limitations in Regard to Length of Service~~

~~Persons representing private sector organizations on the Board shall not serve more than six (6) consecutive years from the effective date of these Regulations. These persons can be reappointed, reelected, or otherwise reselected to serve on the Board for (4) four additional years, provided an interval of I twelve (12) months passes between periods of Board service.~~

~~4.60 Powers of Non profit Corporation Boards of Directors~~

~~The Board of Directors must possess and use the power to:~~

- ~~a. Determine the Board's operating rules and procedures;~~
- ~~b. Select the Board's officers and establish committees necessary to insure effective Board operations;~~
- ~~c. Establish overall program goals and priorities;~~

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- ~~d. Set major personnel, organizational, fiscal, and program policies;~~
- ~~e. Hire, fire, and evaluate the performance of the executive director;~~
- ~~f. Approve funding requests and proposals;~~
- ~~g. Insure compliance with all grant and contract provisions; and~~
- ~~h. Conduct evaluations of programs and projects.~~

~~4.70 Non-profit Corporation Bylaw Requirements~~

~~At a minimum, the Bylaws of Eligible Entities will incorporate provisions relating to: Board composition; Board membership; performance standards for members; vacant seats; recording Board actions; Board committees; meetings and quorums; open meetings; proxy voting; and designation of persons authorized to enter into contracts and act on behalf of the corporation.~~

~~4.71 Composition~~

~~Bylaws will indicate the total number of seats on the Board and the allotment of seats by sector (public officials, low income representatives, and private sector representatives).~~

~~4.72 Appointment, Selection, Election of Members~~

~~Bylaws will include procedures for appointing, electing, or selecting Board members that are consistent with applicable sections of these Regulations.~~

~~4.73 Performance Standards for Board Members~~

~~a. Bylaws will include a description of performance standards for Board members for which violation constitutes grounds for removal from the Board.~~

~~b. Bylaws will include a description of the procedures that will be used to remove Board members. These procedures will limit removal to removal for cause and will include due process procedures in the case of contested removals.~~

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~~4.74 Vacant Seats~~

~~Bylaws will include a description of the procedures that will be used to fill vacant Board seats. These procedures must be consistent with and must incorporate the general principles underlying the appointment, election, or selection process relating to the Board member who vacated the seat in question.~~

~~4.75 Record of Board Actions~~

~~Bylaws will include a description of the manner in which an official record of Board actions will be made, approved, recorded, and maintained.~~

~~4.76 Board Committees~~

~~Bylaws will describe the names, structure, composition, and powers of all Board committees. The composition of committees in terms of sector representation will parallel that of the Board. No committee will act in behalf of the Board without reporting any such action to the Board. All such actions will be ratified or modified through subsequent Board action.~~

~~4.77 Meetings and Quorums~~

- ~~a. Bylaws will indicate that a quorum for the Board to conduct business is at least fifty percent (50%) of its seated members.~~
- ~~b. Bylaws will indicate the Board will meet at least six (6) times annually and it will meet at least every ten (10) weeks.~~
- ~~c. Bylaws will indicate the method utilized to notify Board members of regular and emergency meetings.~~

~~4.78 Open Meetings~~

- ~~a. Bylaws will describe actions that will be taken to notify the community of Board meetings. At a minimum, this will include posting notices in prominent places in the Eligible Entity's major administrative and service locations to include the time, date, and place of such meetings at least five (5) days prior to the date meetings are held.~~

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~~b. Bylaws will specify Board meetings are open to the public. Bylaws may, however, indicate the Board reserves the right to consider the following in closed session:~~

- ~~* discussions of job performance, provided that the person or persons involved have not asked that such sessions be open;~~
- ~~* collective bargaining matters and issues;~~
- ~~* matters pertaining to security, security personnel, and security devices;~~
- ~~* investigative proceedings regarding allegations of civil or criminal misconduct;~~
- ~~* matters pertaining to the acquisition, lease, or disposal of real property, wherein advance public information would be detrimental to the interests of the corporation; and~~
- ~~* discussions pertaining to the prospective location of a business in Rhode Island when open discussion would have a detrimental effect on the interest of the corporation.~~

~~4.79 Proxy Voting~~

~~Bylaws will include a prohibition against all forms of proxy voting.~~

~~4.80 Submission of Bylaws Changes~~

~~All changes in the Bylaws of Eligible Entities will be submitted to DHS within thirty (30) days of the date such changes take effect.~~

~~RHODE ISLAND CSBG RULES AND REGULATIONS~~

~~5.0 Board Operations for CSBG Contractors
That are Seasonal or Migrant Farmworker Organizations~~

~~5.10 Board Membership Limitations~~

~~The Boards of Directors of CSBG Contractors that are seasonal or migrant farmworker organizations will consist of at least fifteen (15) but not more than fifty one (51) members.~~

~~5.20 Board Composition~~

~~Any changes in composition of Boards of Directors of CSBG Contractors that are seasonal or migrant farmworker organizations must be submitted to DHS within 30 days of the date such changes take effect.~~

~~5.30 Powers of Seasonal or Migrant Farmworker Organization Boards
of Directors~~

~~A Board of Directors for a CSBG Contractor that is a seasonal or migrant farmworker organization must possess and use the power to:~~

- ~~a. Determine the Board's operating rules and procedures;~~
- ~~b. Select the Board's officers and establish committees necessary to insure effective Board operations;~~
- ~~c. Establish overall program goals and priorities;~~
- ~~d. Set major personnel, organizational, fiscal, and program policies;~~
- ~~e. Hire, fire, and evaluate the performance of the executive director;~~
- ~~f. Approve funding requests and proposals;~~
- ~~g. Insure compliance with all grant and contract I provisions;. and~~
- ~~h. Conduct evaluations of programs and projects.~~

~~RHODE ISLAND CSBG RULES AND REGULATIONS~~

~~5.40 Bylaw Requirements for Seasonal or Migrant Farmworker Organizations~~

~~At a minimum, the Bylaws of CSBG Contractors that are seasonal or migrant farmworker organizations will incorporate provisions relating to: Board composition; Board membership; performance standards for members; vacant seats; recording Board actions; and Board committees.~~

~~5.41 Composition~~

~~Bylaws will indicate the total number of seats on the Board and the allotment of seats by sector (public officials, low neome representatives, private sector representatives).~~

~~5.42 Appointment, Selection, and Election of Members~~

~~Bylaws will include procedures for appointing, electing, or selecting Board members that are consistent with applicable I sections of these Regulations.~~

~~5.43 Performance Standards for Board Members~~

~~a. Bylaws will include a description of performance standards for Board members for which violation constitutes grounds for removal from the Board.~~

~~b. Bylaws will include a description of the procedures that will be used to remove Board members. These procedures will limit removal to removal, for cause and will include due process procedures on the case of contested removals.~~

~~5.44 Vacant Seats~~

~~Bylaws will include a description of the procedures that will be used to fill vacant Board seats. These procedures must be consistent with and must incorporate the general principles underlying the appointment, election, or selection process I relating to the Board member who vacated the seat in question.~~

~~5.45 Record of Board Actions~~

~~Bylaws will include a description of the manner in which an official record of Board actions will be made, approved, recorded, and maintained.~~

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~~5.46 Board Committees~~

~~Bylaws will describe the names, structure, composition, and powers of all Board committees. The composition of committees in terms of sector representation will parallel that of the Board. No committee will act in behalf of the Board without reporting any such action to the Board. All such actions will be ratified or modified through subsequent Board action.~~

~~5.50 Submission of Bylaws Changes~~

~~All changes in the Bylaws of CSBC Contractors that are seasonal or migrant farmworker organizations will be submitted to DHS within thirty (30) days of the date such changes take effect.~~

~~5.60 Funding~~

~~CSBC funds, in the discretion of DHS, may be allocated to seasonal or migrant farmworker organizations.~~

~~RHODE ISLAND CSBG RULES AND REGULATIONS~~

~~6.0 Fiscal Operations~~

~~6.10 General Requirements~~

~~All CSBG Contractors shall insure that fiscal operations are conducted and maintained in accordance with applicable CSBG regulations such as, but not limited to, OMB Circulars A-110 and A-122. Fiscal operations shall incorporate the following generally accepted accounting principles and practices in addition to other required accounting principles and practices:~~

- ~~a. Accurate, current, and complete disclosure of each CSBG supported program and project;~~
- ~~b. Records that identify the source and application of funds for CSBG sponsored activities including records relating to grant and contract awards, authorizations, obligations, unobligated balances, assets, outlays, and income;~~
- ~~c. Effective control over and accountability for all funds, property, and other assets including the control necessary to insure that all such funds and assets are used for authorized purposes;~~
- ~~d. Comparison of actual outlays with budgeted amounts for every grant and contract;~~
- ~~e. Procedures for determining the reasonableness, allowability, and allocability of costs in accordance with the provisions of applicable cost principles and the terms of grants and contracts;~~
- ~~f. Source documentation for accounting records;~~
- ~~g. Provision for audits to determine, at a minimum, the fiscal integrity of financial transactions and reports and compliance with applicable laws, regulations, and administrative requirements;~~
- ~~h. Elements that insure timely and appropriate resolution of audit findings and recommendations, and~~
- ~~i. Elements that insure subcontractors have financial management systems that meet the financial management standards included in Paragraphs a. through h., above.~~

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~~6.20 Compliance With Federal Office of Management and Budget
(OMB) Circulars A 110 and A 122~~

~~The management systems, procedures, activities, and products of CSBG Contractors will comply in all respects with the provisions of OMB Circular A 110 (Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations: Uniform Administrative Requirements) and with OMB Circular A 122 (Cost Principles for Nonprofit Organizations) or with OMB Circulars A 87, A 102, and A 128, as applicable.~~

~~6.30 Remedial Action~~

~~In the event monitoring, audit, or financial reports indicate financial system deficiencies, prompt remedial action will be taken in accordance with DHS instructions. DHS may then require that a Certified Public Accountant examine and confirm that the accounting system in question meets DHS requirements and that it incorporates generally accepted accounting principles and practices.~~

~~6.40 Subcontracts~~

~~Subcontracts are not allowed except with prior written approval of DHS. In every case in which responsibility for the conduct of program activities is subcontracted or otherwise delegated by a CSBG Contractor, the following will apply:~~

- ~~a. The CSBG Contractor will make clear any intent to delegate or subcontract program operations responsibilities in funding applications or proposed contract amendments; and~~
- ~~b. The CSBG Contractor will remain fully responsible for program performance and for proper expenditure of funds.~~

~~6.50 Bonding~~

~~CSBG Contractors and subcontractors will secure fidelity bond coverage adequate to indemnify themselves and DHS in the event of the loss, misappropriation, acts of negligence, or theft of CSBG funds.~~

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~~6.60 Reimbursements and Stipends~~

~~Provision for travel, per diem, and child care reimbursements, if any, and for stipends for low income Board members, if any, must be included in a CSBG Contractor's Bylaws, Fiscal Procedures Manual, Personnel Manual, or similar policy document; and full documentation must be maintained for all payments made pursuant to these provisions.~~

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~~7.0 Personnel Management~~

~~7.10 Personnel Policies and Procedures~~

~~The Board of Directors of every CSBG Contractor will adopt a written set of personnel policies and procedures that:~~

- ~~a. Includes a salary range and schedule for all staff positions;~~
- ~~b. Requires written job descriptions for all staff positions;~~
- ~~c. Contains provisions relating to the accrual and use of leave;~~
- ~~d. Describes employee benefits and benefit policies;~~
- ~~e. Provides for promotions, separations, resolution of grievances, and regulation of staff conduct; and~~
- ~~f. Specifies recruitment and hiring policies.~~

~~7.20 Restrictions on Political Activity~~

- ~~a. CSBG Contractors will comply in all respects with restrictions on political activities contained in applicable federal laws and regulations including those contained directly and by reference in the CSBG Act (PL 97-35, as amended), and 5 U.S.C. 15, as amended.~~
- ~~b. CSBG Contractors will comply in all respects with restrictions on political activities contained in applicable state laws and regulations.~~

~~7.30 Maintenance of Records~~

~~CSBG Contractors will maintain complete and accurate personnel records pertaining to: recruitment; hiring; promotion; disciplinary action; salary levels; and work time and attendance for a period of at least three (3) years.~~

~~7.40 Submission of Personnel Policy Changes~~

~~Any changes in Personnel Policies of CSBG Contractors will be submitted to DHS within thirty (30) days of the date such changes take effect.~~

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8.0 Civil Rights

~~8.10 Compliance with Applicable State and Federal Laws and
Regulations~~

~~In accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) and Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the U.S. Department of Health and Human Services implementing regulations (45 C.F.R. Parts 80 and 84) and the U.S. Department of Education implementing regulations (34 C.F.R. Parts 104 and 106), the Rhode Island Department of Human Services does not discriminate on the basis of race, color, national origin, handicap or sex in acceptance for or provision of services, employment or treatment, in its educational and other programs and activities. Under other provisions of applicable law, DHS does not discriminate on the basis of age, creed, political belief or sexual preference.~~

~~CSBG Contractors must comply with the above referenced statutes/regulations.~~

~~For further information about these laws, regulations and DHS' grievance procedures for resolution of complaints of discrimination, contact DHS at 600 New London Avenue, Cranston, Rhode Island 02920, telephone number 464 2121. The Community Relations Liaison Officer is the coordinator for implementation of Title VI, and the Vocational Rehabilitation Placement Supervisor is the coordinator for implementation of Title IX and Section 504. The Director of DHS or his/her designee has the overall responsibility for DHS' civil rights compliance.~~

~~Inquiries concerning the application of Title IX and 34 C.F.R. Part 106 to DHS may also be made directly to the Assistant Secretary for Civil Rights, U.S. Department of Education, Washington, D.C. 20202 or the Office for Civil Rights, U.S. Department of Education, Region I, Boston, MA 02109.~~

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~~9.0 Public Access To Materials~~

~~9.10 Public Inspection of Materials~~

~~CSBG Contractors will have the following CSBG program related materials available for public inspection during normal working hours:~~

- ~~a. Current CSBG funding applications;~~
- ~~b. Articles of Incorporation, Bylaws, personnel manuals, and fiscal procedures manuals;~~
- ~~c. A current list of members of the Board of Directors;~~
- ~~d. All program and fiscal reports including audit reports submitted to DHS in the past three (3) years, and~~
- ~~e. Minutes of Board of Directors and Board committee meetings.~~

~~9.20 Public Access to CSBG Records~~

~~CSBG records shall be available to the public pursuant to the provisions of Chapter 2 of Title 38 of the General Laws of Rhode Island, as amended, entitled "Access to Public Records".~~

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~~10.0 Contract Management~~

~~10.10 Waivers~~

~~Consistent with applicable federal and state laws and regulations, DHS reserves the right to waive portions of these regulations in the interest of effective program management.~~

~~10.20 Contract Termination~~

~~DHS may terminate CSBG contracts for cause, following notice of an intent to do so, and after providing opportunity for appeal of a contract termination decision pursuant to 42 U.S.C. 9901 et seq., as amended.~~

~~10.21 Termination or Suspension of Funds for Cause~~

~~The Director of DHS may terminate or suspend a CSBG contract when, in any combination, a CSBG Contractor:~~

~~a. Does not have the authority and/or capability to receive, administer, and account for funds in a manner that conforms with state requirements and with generally accepted accounting principles;~~

~~b. Is not capable of effectively planning, conducting, administering, and evaluating CSBG funded programs and projects;~~

~~c. Fails to conform in one or more ways to the assurances relating to the structure and operations of CSBG program contractors that the State of Rhode Island has provided the United States Department of Health and Human Services, and/or~~

~~d. Is structured and/or functions in a manner inconsistent with state or federal laws or regulations.~~

~~10.22 Termination/Suspension Procedures~~

~~DHS will not terminate or suspend a CSBG contract without:~~

~~a. Providing written notice of its intent to do so;~~

~~b. Stating the reasons for initiating contract termination or suspension proceedings; and~~

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- ~~c. Providing the CSBG Contractor involved an opportunity to appeal this decision.~~

~~10.23 Appeal Procedures~~

~~A notice of contract termination or suspension may be appealed through means of a written notice of appeal addressed and sent to the Director of DHS. Any such request must indicate why termination or suspension is deemed to be inappropriate. This appeal may describe remedial actions that have been or will be taken relating to a termination or suspension notice and may include other relevant information.~~

~~10.24 Appeal Deadline~~

~~Any appeal of a termination or suspension notice must be received by DHS within thirty (30) days after receipt of a termination or suspension notice by a contractor.~~

~~10.25 Hearing Provisions~~

~~a. A termination or suspension notice will include the scheduled date for a hearing on the record that will be held in regard to the proposed termination. This hearing will be held not less than thirty one (31) days but not more than forty five (45) days after a termination or suspension notice has been issued by DHS.~~

~~b. The hearing will be conducted by a Hearing Board appointed by the Director of DHS that will consist of at least three (3) senior DHS staff. After hearing testimony, if any, relating to the proposed termination or suspension and after reviewing relevant documents and materials relating to same, this Board will provide a recommendation to the Director of DHS affirming, modifying, or reversing the proposed termination or suspension. The Director of DHS will then render a decision within thirty (30) days that will serve to affirm, modify, or reverse the proposed termination or suspension.~~

~~10.26 Acceptance of DHS Director's Decision~~

~~In the event the appellant accepts the decision by the Director of DHS referred to in Section 10.25, above, this I decision will stand.~~

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~~10.27 Further Appeal~~

~~In the event the appellant does not accept the decision by the Director of DHS referred to in Section 10.25, above, further appeal can be made to the United States Department of Health and Human Services.~~