



Connecting Older Adults with Community-based Resources and Options

## REQUIREMENTS FOR RECIPIENTS OF TITLE III OLDER AMERICANS ACT FUNDS<sup>1</sup>

### General and Administrative Requirements

- I. Grantees must comply with Area Agency financial and program reporting requirements for Title III-B, Title III-C, Title III-D, Title III-E, Title VII and Ombudsman funding.
- II. The Grantee must comply with all laws and/or requirements of federal, state, and local fire, health, safety, and sanitation and other standards prescribed in law or regulations and the Area Agency, including, but not limited to:<sup>2</sup>
  - a. Older Americans Act of 1965, as amended <sup>3</sup> with regulations and program instructions from federal and state authorities under which this grant is given, including all provider service regulations and requirements detailed in Volume 53 No. 169 Federal Register, 33758 - 33759, August 31, 1988 and S. 192 — 114th Congress: Older Americans Act Reauthorization Act of 2016.” [www.GovTrack.us](http://www.GovTrack.us). 2015. February 7, 2017  
<<https://www.govtrack.us/congress/bills/114/s192>
  - b. Title 45 of the Code of Federal Regulations:
    - i. Procedures of the Departmental Grant Appeals Board (Part 16)
    - ii. Administration of Grants (Part 74, Except Subpart N)
    - iii. Nondiscrimination under Programs Receiving Federal Assistance through the Department of Health and Human Services: Effectuation of Title VI of the Civil Rights Act of 1964 (Part 80)

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<sup>1</sup> All requirements included in this document are authorized in actual legislative language included in the Older Americans Act (last amended in 2006), the August 31, 1988 Federal Register Rules and Regulations pertaining to Grants for State and Community Programs on Aging for the implementation of this law, and Illinois Department on Aging regulations and assurances. Any further amendments to the law, actions required by other Federal or State laws, court order, and/or administrative/executive directives, including all applicable circulars published by the Office of Management and Budget will be binding on all recipients. AgeOptions has adopted as policy all requirements stated in the Request for Proposal document and will enforce the same during the grant period, except as directed by the Federal and State governments, or Court of Law.

<sup>2</sup> Source includes: [AAA Area Plan Assurances (A)(2)(a); (A)(3)]; [AAA Policies and Procedures Secs 1150(b); 1132(f); 1114(a)]; [45CFR 1321(f)(4)]

<sup>3</sup> The Older Americans Act has been amended a number of times since it first passed in 1965. The latest amendment was enacted April 19, 2016. Public Law No. 114-144.

- iv. Practice and Procedures for Hearings under Part 80 of this Title (Part 81)
- v. Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Participation (Section 504 of the Rehabilitation Act of 1973) (Part 84)
- vi. Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance from HHS (Age Discrimination Act (42 USC 6101 et seq)
- vii. Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Part 92)
- viii. Intergovernmental Review of Department of Health and Human Services Programs and Activities (Part 100)
- ix. Title 5, Part 900, Subpart F. Standards for a Merit System of Personnel Administration (Part 900)
- x. Grants for State and Community Programs on Aging, Final Rule (Part 1321)
- xi. Compliance with Federal Internal Revenue Code (26 USC 1), the Illinois Revenue Act (35 ILCS 5), and all rules promulgated thereunder
- xii. Uniform Grant Rules (2 CFR Part 200) (44 Ill. Admin. Code 7000.30(b)(1)(A)
- xiii. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published in Title 2, Part 200 of Code of Federal Regulations
- xiv. Federal Funding Accountability and Transparency Act of 2006 (P.L. 109-282) with respect to Federal Awards greater than or equal to \$25,000
- c. Title 41 of the Code of Federal Regulations:
- d. Illinois Department on Aging Civil Rights Program
- e. Health Insurance Portability and Accountability Act of 1996 (HIPPA), Public Law No. 104-191 (45 CFR Parts 160,162 and 164), and the Social Security Act (42 USC 1320d-2 through 1320d-7)
- f. Licensure and Safety Requirements (IDOA 602.2): All services provided must meet any existing State and local licensure and safety requirements for the provision of those services

III. Grantee must provide the services identified in the application as defined by the Area Agency and in compliance to all Area Agency standards for the delivery of each service.

- IV. Grantees must inform the Area Agency of any efforts between the programs assisted under Title III and the programs described in Section 203 (b) (1-19)<sup>4</sup>
- a. The Job Training Partnership Act or Title I of the Workforce Investment Act of 1998,
  - b. Title II of the Domestic Volunteer Service Act of 1973 (43 U.S.C 5001 et seq),
  - c. Titles II, XVI, XVIII, XIX and XX of the Social Security Act (42 U.S.C., Chapter 7),
  - d. Sections 231 and 232 of the National Housing Act,
  - e. the United States Housing Act of 1937,
  - f. Section 202 of the Housing Act of 1959,
  - g. Title I of the Housing and Community Development Act of 1974,
  - h. Title I of the Higher Education Act of 1965, and the Adult Education Act, and Sections 3, 5, 9 and 16 of the Urban Mass Transportation Act of 1964
  - i. the Public Health Service Act, including block grants under title XIX of such Act,
  - j. Sections 3, 5, 9, and 16 of the Urban Mass Transportation Act of 1964;
  - k. the Low Income Home Energy Assistance Act of 1981,
  - l. Part A of the Energy Conservation in Existing Buildings Act of 1976, relating to weatherization assistance for low income persons,
  - m. the Community Services Block Grant Act,
  - n. Demographic statistics and analysis programs conducted by the Bureau of the Census under title 13, United States Code,
  - o. Parts II and III of title 38, US Code,
  - p. the Rehabilitation Act of 1973,
  - q. the Developmental Disabilities and Bill of Rights Act
  - r. the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, established under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750-3766b)
  - s. Sections 4 and 5 of the Assistive Technology Act of 1998
- V. Grantees must be established public, private not-for-profit or proprietary organizations and demonstrate commitment or capability to serve older persons. A copy of the Grantee's charter or articles of incorporation must be on file with AgeOptions.
- VI. The application for funding under Title III-B, Title III-C, Title III-D, Title III-E and Long Term Care Ombudsman, as approved by the issuance of a Notification of Grant Award (NGA), and Adult Protective Services as approved by the issuance of a Contract, is the official work program for

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<sup>4</sup> Source: [Older Americans Act Sec 203 (b) (1-19); Additional citations can be found in AAA Policies and Procedures Sec 405.6; 405.6(b)(10) ; Older Americans Act Sec 230.150; and 29USC3003 and 3004]

this grant. All parts of this work plan (i.e. the budget, projected number of units of service to be provided, etc.) as submitted on the application and budget sheets must be adhered to by the Grantee unless AgeOptions requests or approves modification of one or more parts of the work plan. Misrepresentation within a work plan is grounds for termination of any grant/contract.

- VII. Expenses included in the budget must be allowable, reasonable and necessary. AgeOptions reserves the right to work with a grantee to redesign a program to make it more cost effective and/or customized to a specific community.
- VIII. The cost of operating supplies, personnel, facilities, and/or delivery costs must be included in the budget submitted as part of the work plan. Preparation of work plan and/or other Request-for-Proposal (RFP)-related costs are not eligible for reimbursement and must not be included in the budget.
- IX. Grantee must be prepared to ensure service is in place on the first day of the fiscal year. Any transition costs related to the beginning or termination of a grant will be borne by the grantee.
- X. Grantee may not subcontract nor sub-grant any portion of this Agreement nor delegate any duties hereunder without Prior Approval from AgeOptions. Grantees for respite, home repair, or nutrition service may subcontract for a portion of the service if the grantee can show that a portion of the service is still being provided by the grantee. The requirement for Prior Approval is satisfied if the subcontractor or sub-grantee has been identified in the application, such as, without limitation, a Project Description, and AgeOptions has approved.<sup>5</sup>
  - a. **Application of Terms.** Grantee shall advise any sub-grantee of funds awarded through this Agreement of the requirements imposed on them by Federal and state laws and regulations, and the provisions of the final Notification of Grant Award Agreement.
- XI. Use of Grant Funds for promotions is subject to the prohibitions for advertising or public relations cost in 2 CFR 200.421 (e). If the Grantee uses AgeOptions funds or match funds in whole or in part to produce any written publications, announcements, reports, flyers, brochures or other written materials, the Grantee agrees to include the phrase "Funding provided in whole or in part by AgeOptions." The Grantee must display in its offices and service locations (including vehicles) a poster identifying it as a recipient of Older Americans Act funds through AgeOptions throughout the grant period.

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<sup>5</sup> Source: [IDOA AAA Policies and Procedures Sec 1156(a)(4)]

- XII. Grantees must assure that they will adhere to the grievance procedure established by AgeOptions for persons dissatisfied with or denied Title III services including provision of information on the older person's request, agency response, availability of services at the time of request and possible presentation in writing or in person to AgeOptions.<sup>6</sup>
- XIII. A current list of all governing Board members and a copy of the By-Laws must be on file with AgeOptions. Grantees must submit any updates that occur during a grant cycle.
- XIV. Grantees must maintain a code or standard of conduct that shall govern the performance of its officers, employees or agents in contracting with and expending Older Americans Act funds. The Grantee's officers, employees, or agent shall neither solicit nor accept gratuities, favors or anything of monetary value from Grantees or potential Grantees. To the extent permissible under State or local laws, rules or regulations, such standards shall provide for appropriate penalties, sanctions or other disciplinary actions to be applied for violations of such standard either by the officers, employees or agency of the recipient agency or by Grantees or their agents.<sup>7</sup>
- XV. An employee shall not directly or indirectly solicit or accept anything of monetary value, including gifts, gratuities, favors, entertainment or loans from a person who the employee knows, or should know because of the nature of the employee's work:
- a. has, or is seeking to obtain, contractual or other business or financial relations with the employee's principal operating component, or sub-unit thereof, or with a component of the Department with respect to which the employee has official duties;
  - b. conducts operations or activities that are regulated by the employee's principal operating component, or sub-unit thereof or by a component with the Department with respect to which the employee has official duties; or
  - c. has interests that may be substantially affected by the performance or non-performance of the employee's official duties.
- XVI. Employees may not designate a person or an organization, including charitable or non-profit organizations, to accept any gift which an employee is prohibited from accepting directly.
- XVII. No employee, officer, or other representative of the Grantee is party to a conflict of interest prohibited under the Older Americans Act and

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<sup>6</sup> Source: [Older Americans Act Sec 306(a)(10)]

<sup>7</sup> Source: [IDOA AAA Policies and Procedures Sec 1152(b)]

mechanisms must be in place to identify and remove conflicts of interest prohibited under the Older Americans Act.<sup>8</sup>

XVIII. Grantees assure that preference in receiving Title III services will not be given to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement Title III.<sup>9</sup>

XIX. Any Grantee that suspects the abuse, neglect or financial exploitation of an eligible adult may report this suspicion to an agency designated to receive such reports under the Adult Protective Services Act or to the Department on Aging.

In carrying out their professional duties, the Grantee is considered a mandated reporter if they have reason to believe that an eligible adult, who because of dysfunction is unable to seek assistance for himself or herself, has, within the previous 12 months, been subjected to abuse, neglect or financial exploitation.<sup>10</sup>

Grantee its employees and subcontractors under subcontract made pursuant to this Agreement, shall comply will all applicable provisions of State and Federal laws and regulations pertaining to nondiscrimination, sexual harassment and equal employment opportunity including, but not limited to, the following laws and regulations and all subsequent amendments thereto:

- a. The Illinois Human Rights Act (775 ILCS 5/1-101 *et. seq.*), including without limitation, 44 Ill. Admin Code Part 750, which is incorporated herein; and rules applicable to public contracts, including equal employment opportunity, refraining from unlawful discrimination and having written sexual harassment policies (775 ILCS 5/2-105).
- b. The Public Works Employment Discrimination Act (775 ILCS 10/1 *et. seq.*);
- c. The United States Civil Rights Act of 1964 (as amended) (42 USC 2000a- and 2000h-6). (*see also* guidelines to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (Federal Register: February 18, 2002 (Volume 7, Number 13, Pages 2671-2685)));
- d. Section 504 of the Federal Rehabilitation Act of 1973 (29 USC 794);
- e. The Americans with Disabilities Act of 1990 (42 USC 12101 *et. seq.*); and
- f. The Age Discrimination Act (42 USC 6101 *et. seq.*).

Notice of non-discriminatory practices must be posted and appear on all pamphlets, and informational material, newsletter and employee

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<sup>8</sup> Source: [Older Americans Act Sec 307(a)(7)(B)(ii, iii)]

<sup>9</sup> Source: [Older Americans Act Sec 306 (a)(14)]

<sup>10</sup> Source: [IDOA AAA Policies and Procedures Sec 602.12]

handouts. Grantees must provide documentation of compliance to the Area Agency and adhere to the discrimination complaint procedures developed by the Illinois Department on Aging.<sup>11</sup>

- XX. Grantees must have written policies, procedures, and documentation for the following:<sup>12</sup>
- a. Outreach activities to ensure participation of eligible older persons with special emphasis on the following groups:
    - i. Older persons with the greatest economic need (with particular attention to low-income minority older persons and low-income older persons with limited English proficiency);
    - ii. older persons with the greatest social need (with particular attention to low-income minority older persons and low-income older persons with limited English proficiency);
    - iii. older persons with severe disabilities;
    - iv. older persons with limited English proficiency;
    - v. older persons at risk of institutional placement; and
    - vi. older persons with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caregivers of such individuals);and to inform them about the availability of such assistance.<sup>13</sup>
  - b. Preference in identifying and serving older persons with the greatest economic or social need, with particular attention to low-income older individuals, including low-income minority older persons and older individuals with limited English proficiency.<sup>14</sup>
  - c. Satisfying the service needs of low-income minority individuals in the area served by the Grantee and serving low-income minority older individuals in at least the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by the Grantee.<sup>15</sup>
  - d. Identifying the major languages other than English in the service area and developing a plan for providing service to clients proficient in languages other than English. This plan must include the components outlined in the Policy Guidance on the Title VI Prohibition against National Origin Discrimination as it Affects Persons with Limited English Proficiency which can be found at [www.lep.gov](http://www.lep.gov)<sup>16</sup>.

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<sup>11</sup> Source: [45 CFR 80]

<sup>12</sup> Source: [IDOA AAA Policies and Procedures Sec 602.3(a); Older Americans Act Secs 306 (a)(4)(A)(i) and (a)(4)(B); 1327.17(f)(2)]

<sup>13</sup> Source: [Older Americans Act Sec 306(a)(5)(B)]

<sup>14</sup> Source: [IDOA AAA Policies and Procedures Sec 602.3(a); Older Americans Act Sec 305 (a)(2)(E)]

<sup>15</sup> Source: [Older Americans Act Sec 306(a)(4)(A)(ii)]

<sup>16</sup> Source: [Federal Register Vol 68, No. 153, August 8, 2009, p. 47311]

- e. Coordination and utilization of the services and resources of other appropriate public and private agencies and organizations<sup>17</sup>. Grantees must indicate what special efforts will be taken to coordinate with each other in order to assure appropriate services for individual clients.<sup>18</sup>
- f. Obtaining participants' views on the services they receive. Eligible participants' input must be sought and utilized in the planning of services. The service provider must have procedures for obtaining the views of participants about the services they receive. An Advisory Council may be established as a means for participant input. (IDOA 602.1) Client surveys, interviews using a structured method to obtain information, complaint reviews, Boards of Directors or Advisory Council with more than 50% of members over the age of 60 are methods to meet this requirement.<sup>19</sup>
- g. Delivery of all services provided, which includes, to the extent feasible, those consistent with self-directed care.
- h. Monitoring and evaluating service delivery.
- i. Emergency/disaster situations, both in the community and in the client's home.<sup>20</sup>
- j. Handling service shortages (e.g. waiting lists).<sup>21</sup>
- k. Assignment to Older Americans Act or private pay programs, as appropriate.<sup>22</sup>
- l. Methods to carry out activities to identify older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under Title XVI of the Social Security Act, medical assistance under Title XIX of the Social Security Act, and benefits under the Food Stamp Act of 1977 or benefits under any other applicable program.<sup>23</sup>
  - i. Grantees shall establish methods to conduct outreach activities to inform older individuals of the requirements for eligibility to receive such assistance and benefits.<sup>24</sup>
  - ii. Grantees shall establish methods to assist older individuals in applying for such assistance and such benefits.<sup>25</sup>

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<sup>17</sup> Source: [Older Americans Act Sec 306(a)(1)]

<sup>18</sup> Source: [IDOA AAA Sec 602.3C]

<sup>19</sup> Source: [Older Americans Act Sec 306(a)(6)(a),(d)]

<sup>20</sup> Source: [IDOA AAA Sec 602.11]

<sup>21</sup> Source: [IDOA AAA Sec 603.4(E)(3)]

<sup>22</sup> Source: [IDOA AAA Sec 1132(A)]

<sup>23</sup> Source: [Older Americans Act Sec 202(a)(20)]

<sup>24</sup> Source: [IDOA AAA Policies and Procedures Sec 602.3(c)]

<sup>25</sup> Source: [Older Americans Act Sec 202(a)(20)]

- m. Providing a program of training for all classes of positions (and volunteers, if applicable).<sup>26</sup> All grantees must comply with procedures established for training by the Area Agency for volunteers and paid personnel in each applicable service standard. (IDOA 602.3B)
  - n. Development and following of methods to assure the activities covered by this funding serve only those individuals and groups eligible under the provisions of the applicable statute<sup>27</sup>.
- XXI. Grantees shall comply with AgeOptions “Policy for Criminal Background Checks” which includes conducting criminal background checks on all staff whose salaries are paid wholly or partially through Area Agency Grants. In addition, volunteers participating in Area Agency funded programs with in-home client contact and/or access to confidential client information including, but not limited to addresses, social security numbers, financial info, etc., are also required to complete a background check.
- XXII. Grantees must have appropriately qualified and trained staff and provide adequate supervision. A copy of the Grantee’s current job descriptions must be on file with the Area Agency. All levels of agency staff (including Director) should be evaluated annually.
- XXIII. Grantees must include their staff in appropriate Area Agency meetings and training programs.
- XXIV. Grantees must assure service is available during normal working hours.
- XXV. Grantees must have Internet access and must maintain at least one business email address that will be the primary receiving point for all email correspondence from AgeOptions. Grantee must notify AgeOptions of any email address changes within five (5) business days from the effective date of the change. Grantees also are encouraged to create and maintain an agency website.
- XXVI. Grantee certifies that information technology, including electronic information, software, systems and equipment, developed or provided under this grant will comply with the applicable requirements of the Illinois Technology Accessibility Act Standards as published at [www.dhs.state.il.us/itaa](http://www.dhs.state.il.us/itaa) (30ILCS 587) in order to ensure they are accessible to people with disabilities.

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<sup>26</sup> Source: [AAA Policies and Procedures Sec 602(b); Area Plan Assurances A(4); Older Americans Act Sec 215(e)(1)(H)]

<sup>27</sup> Source [Older Americans Act Sections 302(9), Section 307(a)(13)(A), & Section 343]

- XXVII. Grantees must have and follow procedures for inventory control that adequately safeguard property and equipment against theft, loss or misuse. Grantee must comply with the uniform standards set forth in 2 CFR 200.310-200.316 governing the management and disposition of property which cost was supported by Grant funds. Grantor shall have the right to require that Grantee transfer to Grantor any equipment, including title thereto, purchased in whole with Grantor funds, if Grantor determines that Grantee has not met the conditions of 2 CFR 200.439(a). Grantor shall notify Grantee in writing should grantor require the transfer of such equipment. The Grantee is prohibited from and may not sell, transfer, encumber (other than original financing) or otherwise dispose of said equipment, material, or real or real property during the Grant Term without Prior Approval of Grantor.
- XXVIII. Grantee shall have written policies and procedures for the procurement of capital property and equipment which cost was supported by Grant funds.
- XXIX. Grantee shall maintain in full force and effect during the Term of this Agreement casualty and bodily injury insurance, as well as insurance sufficient to cover the replacement cost if any and all real or personal property, or both, purchased or, otherwise acquired, or improved in whole or in part, with funds disbursed pursuant to this Agreement. 2 CFR 200.310. Grantees must provide proof of coverage to AgeOptions prior to the commencement, and throughout the grant period.
- XXX. Grantees must provide the following Disaster Response and Assistance Activities:
- a. Grantees must have disaster plans, so as to expedite the delivery of necessary services when a disaster occurs. The disaster assistance efforts will complement the existing relief efforts provided by federal, state and voluntary organizations.
  - b. Grantees must enter into written coordination agreements and regular, ongoing working relationships with:
    - i. Emergency Services Disaster Agencies (ESDAs),
    - ii. Voluntary relief organizations (e.g. American Red Cross and the Salvation Army and the Mennonites, etc.) and
    - iii. Local community-based organizations.

The table below outlines the actions needed in order to comply with requirements (b)(i) through (b)(iii). Providers who are following one of the two options will be in compliance.

<b>Part (b)(i): Written coordination agreements and regular, ongoing working relationships with Emergency Services Disaster Agencies (ESDAs).</b>	
<b>Option A:</b> A Grantee that has a written coordination	<b>Option B:</b> A Grantee that does not have a written coordination agreement with an ESDA must develop a

<p>agreement with an Emergency Services Disaster Agency (ESDA) is in compliance and does not need to take any additional steps.</p>	<p>comprehensive Emergency Operations Plan (EOP) that includes:</p> <ul style="list-style-type: none"> <li>• A list of the municipalities in the Grantee’s service area, and information about any registries for residents with special needs.</li> <li>• A process for identifying resources for clients/program participants affected by a disaster, and for how those resources will be made available to clients/program participants.</li> </ul>
<p><b>Part (b)(ii): Written coordination agreements and regular, ongoing working relationships with voluntary relief organizations (e.g. American Red Cross and the Salvation Army and the Mennonites, etc.)</b></p>	
<p><b>Option A:</b> A Grantee that has a written coordination agreement with a voluntary relief organization is in compliance and does not need to take additional steps.</p>	<p><b>Option B:</b> A Grantee that does not have a written coordination agreement with a voluntary relief organization must:</p> <ul style="list-style-type: none"> <li>• Train all staff and volunteers on the Grantee’s emergency procedures. This includes, but is not limited to, actions to take during a fire, weather, and man-made disaster. Trainings must be provided on an ongoing basis. Other complementary emergency preparedness trainings should also be provided.</li> <li>• Have resources available for clients to better prepare them for emergency situations.</li> <li>• Create relationships and be known in the community by police, fire, hospitals, municipalities, and clients.</li> </ul>
<p><b>Part (b)(iii): Written coordination agreements and regular, ongoing working relationships with local community-based organizations.</b></p>	
<p><b>Option A:</b> A Grantee that currently has written coordination agreements and has regular, ongoing working relationships with local community based organizations is in compliance and does not need to take additional steps.</p>	<p><b>Option B:</b> A Grantee that does not have written coordination agreements and regular, ongoing working relationships with local community based organizations must:</p> <ul style="list-style-type: none"> <li>• Build relationships with local community based organizations.</li> <li>• Be active in the community.</li> <li>• Be familiar with available resources and be engaged with the agencies or organizations that provide those resources.</li> </ul> <p>Local community-based organizations are non-profit organization, governmental agencies (townships/municipalities), police and fire departments, hospitals, and faith-based organizations.</p> <p><i>*Hospitals, police departments and fire departments may not be willing to enter into an agreement because of liability</i></p>

	<i>issues but Grantee should establish a relationship with these entities.</i>
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- c. The Grantee’s disaster plans will be activated upon notification by AgeOptions, the Department on Aging, or the local emergency services disaster official. Activation of the disaster plan requires an assessment of the need to mobilize service provider resources and personnel, which will be done in coordination with the American Red Cross, state and local emergency services agencies and/or FEMA during a Presidential declared disaster. The assessment will determine the type of action necessary to serve the special needs of disaster victims, particularly our older persons.
- d. Grantees will notify AgeOptions of all local emergencies and/or disasters. Grantees will be responsible for activating their disaster plan, providing advocacy and outreach services (face-to-face), follow-up and regular monitoring of service providers delivery of disaster related services, with guidance from AgeOptions. The Grantee is responsible for contacting project directors with instructions and they in turn will work to carry out their assigned duties, including the mobilization of local volunteers to provide individualized services which are needed.
- e. In all cases, AgeOptions will provide as much flexibility as possible under Title IV and other funding titles under the Older Americans Act to allow for service compliance, continuity and creativity in the delivery of services to older disaster victims for all of the involved Grantees (e.g. gap-filling services, etc.).

**Record Maintenance**

- I. **Accessibility of Records.** The Grantee, in compliance with 2 CFR 200.336, shall make books, records, related papers, supporting documentation and personnel relevant to this Agreement available to authorized AgeOptions representatives, the Illinois Auditor General, Illinois Attorney General, any Executive Inspector General, the Grantor’s Inspector General, Federal authorities, and person identified in 2 CFR 200, 336, and any other person as may be authorized by AgeOptions, by the State of Illinois or by Federal statute. Grantee shall cooperate fully in such audit for purposes of audit, monitoring, and evaluation. It will be left to the discretion of AgeOptions and/or authorized personnel as to whether such visits will be announced or unannounced.<sup>28</sup>
  
- II. **Records Retention.** The Grantee must retain all records herein required for three (3) years from the date of submission of the final expenditure report, adequate books, all financial records and, supporting documents,

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<sup>28</sup> Source: [IDOA AAA Policies and Procedures Sec 1164(a)]

statistical records, and all other records pertinent to the Award, adequate to comply with 2 CFR 200.333, unless a different retention period is specific in 2 CFR 200.333. If any litigation, claims or audit exceptions involved the records have been resolved and final action taken.

- III. **Failure to Maintain Books and Records.** Failure to maintain books, records and supporting documentation, shall establish a presumption in favor of AgeOptions or State of Illinois for the recovery of any funds paid under the Grant for which adequate books, records and supporting documentation are not available to support disbursement.
- IV. **Monitoring and Access to Information.** Grantee must monitor its activities to assure compliance with applicable State and Federal requirements and to assure its performance expectations are being achieved. AgeOptions will monitor the activities of Grantee to assure compliance with all requirements and performance expectations of the ward. Grantee shall timely submit all financial and performance reports, and shall supply, upon AgeOptions request, documents and information relevant to the Award. AgeOptions may make site visits as warranted by program needs. See 2 CFR 200.328 and 200.331.
- V. All time records kept by staff and/or volunteers providing Older Americans Act funded services, and/or services provided with state funds granted by the Area Agency, must detail the actual amount of time spent per funded service per payroll period and be signed or otherwise authorized by the employee.<sup>29</sup>
- VI. Grantees must maintain accurate and up-to-date documentation of all funded services projected as match in the grant application. Records shall clearly support and substantiate all units, clients and other information reported to the Area Agency. Minimum documentation to be maintained includes:
  - a. Daily service logs or intake sheets documenting service contacts and units provided to participants.
  - b. A service card or central record for each participant documenting all services and units by participant provided from the start of the Area Agency fiscal year to the end of the Area Agency fiscal year. The participant's record should include his/her name, address, and demographic information, and other information as required by NAPIS, the Illinois Department on Aging, and/ or AgeOptions.
- VII. Grantees must adhere to the National Aging Program Information System (NAPIS) requirements, which are available under separate cover upon request. AgeOptions uses Harmony SAMS as its software to track clients and services for state, agency and local level reporting. AgeOptions

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<sup>29</sup> Source: [IDOA AAA Policies and Procedures Sec 1151(I)(5)(a)(4)]

requires every provider of a Title III service to have a Harmony seat (log-in ID) and to enter data into Harmony either through direct entry or through an interface, unless prior written approval for an alternate data collection method is requested and granted. AgeOptions will fund one seat per provider during the FY 2018-2020 grant cycle. More information is available upon request.

- VIII. AgeOptions encourages Grantees who provide certain Title III services to use the Harmony Information and Assistance module supplied by AgeOptions as a way to track client activity. The services that are encouraged to use the I&A module are Aging and Disability Resource Network, Housing, Senior Opportunity and Services, Targeting to Culturally and Linguistically Isolated and Caregiver Resource Centers.

### **Fiscal Requirements**

- I. Grantees assure that funds received under Title III will not be used to pay any part of a cost (including administrative cost) incurred to carry out a contract or commercial relationship that is not carried out to implement Title III.<sup>30</sup>
- II. Grantees must have adequate financial resources to perform the grant provisions or the ability to obtain them as required for performance.
- III. Grantees must maintain sufficient fiscal control and accounting procedures to assure proper disbursement of and accounting for all funds under this grant.<sup>31</sup> This includes but is not limited to:
  - a. Maintenance of a current Fiscal Policy and Procedure manual;
  - b. Periodic review of accounting records and statements by executive leadership of the organization;
  - c. Maintenance of a Finance Committee of the Board of Directors; and
  - d. Periodic review of financial statements by the Finance Committee.
- IV. **Financial Management Standards.** The financial management systems of Grantee must meet the following standards:
- V. The Grantee must (i) be registered with the Federal System for Award Management (SAM) and registered with the State equivalent of SAM; (ii) be in good standing with the Illinois Secretary of State; and (iii) have a valid DUNS number. It is Grantee's responsibility to remain current with these registrations and requirements at all times during which it has an active Agreement with AgeOptions. If Grantee's status with regard to any of these requirements changes, Grantee must notify AgeOptions.
  - a. **Accounting System.** Grantee organizations must have an accounting system that provides accurate, current, and complete

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<sup>30</sup> Source: [IDOA AAA Policies and Procedures Sec 1151(c)(2)(a)]

<sup>31</sup> Source: [IDOA AAA Policies and Procedures Sec 1131(a); Older Americans Act 205(e)(1)(H)]

disclosure of all financial transactions related to each state and federally funded Program. Accounting records must contain information pertaining to State and Federal pass-through awards, authorizations, obligations, unobligated balances, assets, outlays, and income. These records must be maintained on a current basis and balanced at least quarterly. Cash contributions to the Program from third parties must be accounted for in the general ledger with other Grant Funds. Third party in-kind (non-cash) contributions are not required to be recorded in the general ledger, but must be under accounting control, possibly through the use of a memorandum ledger. See 2CFR 200-302.

- b. **Source Documentation.** Accounting records must be supported by such source documentation as canceled checks, bank statements, invoices, paid bills, donor letters, time and attendance records, activity reports, travel reports, contractual and consultant agreements, and sub award documentation. All supporting documentation should be clearly identified with the award and general ledger accounts which are to be charged or credited.
  - i. The documentation standards for salary changes to grants as prescribed by 2 CFR 200.430, and in the cost principles applicable to the entity's organization (Paragraphs 7.4 through 7.7).
  - ii. If records do not meet the standards in 2 CFR 200.430, then Grantor may notify Grantee of the requirement to submit Personnel activity reports. See 2 CFR 200.430 (i)(8). Personnel activity reports shall account on after the fact basis for one hundred percent (100%) of the employee's actual time, separately indicating the time spent on the grant, other grants or projects, vacation or sick leave, and administrative time, if applicable. The reports must be signed by the employee, approved by the appropriate officiant and coincide with a pay period. These time records should be used to record the distribution of salary costs to the appropriate accounts no frequently than quarterly.
  - iii. Formal agreements with independent contractors, such as consultants, must include a description of the services to be performed, the period of performance, the fee and method of payment, an itemization of travel and other costs which are chargeable to the agreement, and the signatures of both the contractor and an appropriate official of Grantee.
  - iv. If third party in-kind (non-cash) contributions are used for Grant purposes, the valuation of these contributions must be supported with adequate documentation.
- c. **Internal Control.** Effective control and accountability must be maintained for all cash, real and personal property, and other assets. Grantee must adequately safeguard all such property and

must provide assurance that it is used solely for authorized purposes. Grantee must also have systems in place that provide reasonable assurance that the information is accurate, allowable, and compliant with the terms of the Agreement.

- d. **Budget Control.** Records of expenditures must be maintained for each Award by the cost categories of the approved Budget (including indirect costs that are charged to the Award), and actual expenditures are compared with the Budgeted amounts at least quarterly.

VI. **Federal Requirements.** All Grants, whether funded whole or in part with either Federal or State funds, are subject to Federal requirements and regulations, including but not limited to 2 CFR Part 00, 44 III. Admin Code 7000.30(b) and Federal Financial Management standards listed above.

VII. **Profits.** It is not permitted for any person or entity to earn a Profit from an Award. See, e.g. 2 CFR 200.400(g); see also 30 ILCS 708/60(a)(7).

VIII. **Management of Program Income.** Grantee is encouraged to earn income to defray program costs where appropriate, subject to 2 CFR 200.307. Project Income (client contributions) must be expended based upon the application, with any changes of expenditures to be approved by the Area Agency. Excess Project Income must expand services of the provider under this part and supplement (not supplant) funds received under the Older Americans Act. Project Income must be reported to AgeOptions and if receipts exceed the budgeted amount in the last approved NGA, the provider must provide proof to the Area Agency that the additional project income was used to expand services.<sup>32</sup>

IX. All project income must be expended prior to requesting federal funds from the Department on Aging and must be expended within the fiscal year in which it was earned.

X. Grantees must obtain private and other public support for Title III services. Unless otherwise specified, at a minimum, fifteen percent (15%) match is required with a cash match preferred over in-kind. Match must be identified in the Grantee's budget. The national goal for project income is 20% of the federal award. Applicants may not use Title III funds to replace funds from non-federal sources. Local support toward the application, as measured in actual dollars (local cash) and/or in-kind value, should attempt to increase each year the applicant is funded. The

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<sup>32</sup> Source: [IDOA AAA Policies and Procedures Secs 602.7(a); 1132; 1164(b); 1151(i)(3)(b); 1144.3(a-e); and 1144.2(A)(1)]

amount of local support identified in the application (in actual dollars or in-kind value) will be evaluated as specified in the rating instrument.<sup>33</sup>

- XI. All contributions (project income, local cash and in-kind), must meet all of the following criteria:<sup>34</sup>
  - a. Are verifiable from the Grantee's records;
  - b. Are not included as contributions for any other federally-assisted project or program;
  - c. Are necessary and reasonable for proper and efficient accomplishment of project or program objectives;
  - d. Are allowable under the applicable cost principles;
  - e. Are provided for in the approved budget; and
  - f. Documented in the same manner as Title III funds. In-kind rates should be calculated at the fair market value of the item.
  
- XII. Grantees are prohibited under Federal law from using funds, staff or equipment purchased with Federal dollars from other sources to match Older Americans Act services. Grantees should examine State of Illinois grants prior to using those funds for match because many State of Illinois grants are Federal funds. Exceptions to this rule are Legal Services Corporation Funds, Social Services Block Grant Funds, and Community Development Block Grant Funds, which may be used as match. Matching funds are considered part of the Title III project and are subject to Federal limitations and requirements for use of Federal funds.<sup>35</sup>
  
- XIII. (For Contractors only) The Area Agency will perform a special review of costs under the contract to evaluate the accuracy of unit rates and provide a basis for revision of unit reimbursement rates.
  
- XIV. Depreciation is not an allowable expense.
  
- XV. Grantees and contractors are prohibited from receiving a profit from the grant or contract.<sup>36</sup>
  
- XVI. (For Grantees only) Federal and State of Illinois General Revenue Fund dollars are earned when costs are incurred and when local cash and in-kind are obtained and reported. Unless notified otherwise by AgeOptions, any Federal and State dollar advances which are not to be

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<sup>33</sup> Source: [IDOA AAA Policies and Procedures Sec 1143 (g)(2); 1144(2)]

<sup>34</sup> Source: [IDOA AAA Policies and Procedures Sec 1132]

<sup>35</sup> Source: [IDOA AAA Policies and Procedures Secs 1151(I)(4)(a)(5); 1151 (I)(6)(a); 1143(b) and Older Americans Act Sec 301(d)(1)]

<sup>36</sup> Source: [45CFR74.81]

used for outstanding obligations as of the last day of the fiscal year must be returned to the Area Agency immediately or subtracted from the September reimbursement request. Any unearned cash as determined in the closeout calculation for the grant year must be returned to AgeOptions no later than 30 days following the receipt of the closeout report, unless notified otherwise by AgeOptions.<sup>37</sup>

- XVII. In compliance with the Grant Funds Recovery Act (30 ICCS 705/1 *et seq.*), any Grant Funds that are not expended or legally obligated by the end of the grant agreement, or during the time limitation to grant fund expenditures set forth in the Notice of Grant Award (NGA), must be returned to AgeOptions within 45 days.
- XVIII. Funds made available under Title III shall supplement, and not supplant, any Federal, State, or local funds expended by the Grantee.

### **Required Due Dates**

- I. The Grantee must submit all required financial and program reports on forms provided by (or specifically approved in writing) and in a manner specified by AgeOptions.
- II. Failure to submit reports on time may result in appropriate measures as defined in Federal and State guidelines, the Performance Deficiency Policy, and/or the Notification of Grant Award.
- III. Monthly NAPIS client and service data is due in Harmony fifteen (15) days following each month, unless an alternate reporting schedule has been requested and approved in writing.
- IV. Other required NAPIS reporting as outlined in standards and with potential updates from AgeOptions.
- V. On or before November 30<sup>th</sup> for each year of grant funding, Grantee must provide a Performance Plan for how the Grantee will satisfy the service needs of low-income minority and/or Limited English Proficient older adults; attempt to provide services to low income minority and older adults and limited English Proficient older adults in at least the same proportion as the population of its service area; and assist AgeOptions on special objectives related to targeting low income minority and limited English Proficient older adults.
- VI. Significant Development Reports are due fifteen (15) days following the end of each quarter.

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<sup>37</sup> Source: [IDOA AAA Policies and Procedures Sec 1172(a)(1)]

- VII. Quarterly Service Cost Reports are due within fifteen (15) days following the end of each quarter. In the event that Grantee is unable to submit its Quarterly Service Cost Report timely, Grantee shall notify AgeOptions and may request an extension of time to submit. Grantor's approval of Grantee's request for an extension shall not be unreasonably withheld.
- VIII. Close-out Reports are due approximately 21 days following the final Quarterly Service Cost Reports, with exact dates established in each year's Conditions of Award. The Close-out Report must include an explanation of any excess Project Income.
- IX. All service outputs, budget, and narrative statements are to be adhered to by the Grantee. The approval of any cost change over ten percent (10%) in a budget category (personnel, travel, equipment and supplies, other) or between service category will require a revised budget, a letter requesting the changes, reasons for the request by sixty (60) days before the end of the fiscal year, but are not to be incorporated into the grant without the written approval of the Area Agency. If approved, AgeOptions will issue a revised Notification of Grant Award.

### **Program Requirements**

- I. Grantees must serve any person age 60 years or older in need of service and in the project area regardless of other eligibility criteria normally in use by the Grantee. Grantees may not impose a requirement as to duration of residency or citizenship as a condition of service. Service must be accessible and available to people with disabilities and limited English speaking older persons. Priority must be given to providing services that will assist and benefit older persons with the greatest social need, economic need, limited English Proficient and those at risk for institutional placement.<sup>38</sup>
- II. Grantee will provide services to the following older adult demographic groups, at minimum, in proportion to their representation in the overall age 60+ population in their service area:
  - a. Older individuals (60+) with greatest economic need;
  - b. Older individuals (60+) with greatest social need;
  - c. Low-income minority older (60+) individuals; and
  - d. Older individuals (60+) with limited English proficiency.
- III. Units of service must be provided throughout the entire year or as agreed upon in the grant application. New clients should be provided service and reported on semi-annually or as agreed upon in the grant application.

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<sup>38</sup> Source: [Older Americans Act Secs 102(40); 306(a)(4)(A)(i); 302(9), 307(a)(13)(A), & 343]; [AAA Area Plan Assurances (b)(4)]; [45CFR1321.17(f)(2)]

- IV. Grantees must adhere to the work plan as proposed in the Request for Proposal and/or work plan. No alterations to scope or budget may be made without prior written approval from AgeOptions.
- V. Clients must be served throughout the entire service area for which funding is being awarded.
- VI. Grantees must assure that a plan promoting the rights of each older person is developed and implemented. These rights include<sup>39</sup>:
  - a. the right to be fully informed, in advance, about any change in service and to participate in planning and changing an in-home service unless the person is judicially adjudged incompetent;
  - b. the right to voice a grievance with respect to such service that is or fails to be so provided without discrimination or reprisal;
  - c. the right to confidentiality of records;
  - d. the right to have the property of such individual treated with respect;
  - e. the right to be fully informed (orally and in writing) in advance of receiving an in-home service under Title III, of such individual's rights and obligations under Title III.
- VII. All information which is identifiable with any specific individual must be kept confidential unless the person concerned gives informed written consent for the information to be released. This applies to both client information and personal records.<sup>40</sup>
- VIII. Grantees wishing to use computerized narrative documentation must have written procedures that ensure client confidentiality. These procedures must be approved by AgeOptions before instituted. The narrative must contain the name of client, page number, and documentation of contact. The client file must contain a printed copy of each page of the case notes, signed and dated as required. Procedures for ensuring confidentiality may include but are not limited to, the use of passwords, or the file being saved on a disk and the disk stored in a locked cabinet.
- IX. Grantees must have written procedures for collecting, handling, counting and depositing contributions for Title III services. Voluntary contributions shall be allowed and may be solicited for all services for which funds are received under this Act if the method of solicitation is non-coercive. Contributions shall be encouraged for individuals whose self-declared income is at or above 185% of the poverty line. The Grantee must:<sup>41</sup>

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<sup>39</sup> Source: [42USC3030C-1(1)]

<sup>40</sup> Source: [IDOA AAA Policies and Procedures Sec 1165]

<sup>41</sup> Source: [IDOA AAA Policies and Procedures Secs 602.7(a)(1-4) and 602.7(c); 45CFR1321.67(f)(3, 5); Older Americans Act Sec 315(b)]

- a. Provide each recipient with an opportunity to voluntarily contribute to the cost of the service. Give each older person who receives service, written information about the cost of the service.
  - b. Clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary, Avoid the appearance of pressure to contribute.
  - c. Protect the privacy and confidentiality of each older person with respect to his/her level of contribution.
  - d. Have appropriate procedures to safeguard and account for all contributions.
  - e. Use all contributions (also known as Project Income) to expand services and supplement (not supplant) funds received under the Older Americans Act.
  - f. Not deny service to an older person because she/he would not contribute for the service.
  - g. Not use a means test to deny or limit a person's receipt of services.<sup>42</sup>
- X. Grantees, where possible, will enter into arrangements with organizations providing day care services for children; assistance to older individuals caring for relatives who are children, and respite for families; so as to provide opportunities for older persons to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families.<sup>43</sup>
- XI. Grantees shall develop and follow methods to assure that older persons are provided with volunteer opportunities. Plans for recruitment, training, supervision and recognition shall be included. Such methods should demonstrate an understanding of the interdependence that exists between generations. Many “younger-older” persons are caregivers to their much older relatives; other “younger-older” persons can be encouraged to provide volunteer services that promote their wellbeing and the wellbeing of those for whom they care. If possible, Grantees will work in coordination with organizations that have experience in providing training, placement and stipends for volunteers or participants in community service settings.<sup>44</sup>
- XII. Grantees shall conduct efforts to facilitate the coordination of community based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary and costly institutionalization, and designed to emphasize the development of client centered case management systems as a component of such services.

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<sup>42</sup> Source [Section 315 (b)(3)]

<sup>43</sup> Source: [Older Americans Act Sec 306(6)(c)(i)]

<sup>44</sup> Source: [Older Americans Act Sec 373(d)]

- XIII. Grantees shall establish and follow methods to coordinate the activities of community-based organizations established for the benefit of victims of Alzheimer's disease and the families of such victims.<sup>45</sup>
- XIV. Grantees should make the best use of existing resources, including but not limited to the following:
- a. Incorporating the "informal" network into the services design
  - b. Using volunteers and other available local resources as appropriate
  - c. Leveraging local support from local municipalities, foundations, school districts, civic groups, fundraising, etc. to increase funds available and create stronger local ownership of the programs; and
  - d. Coordinating and complementing the existing formal service network – public, non-profit and for-profit.

## **Audits**

- I. Grantees shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 USC 7501-7507), and Subpart F of 2 CFR Part 200, and the audit rules set forth by the Governor's Office of Management and Budget. See 30ILCS 708/65(c).
- II. **Audit Requirements.**
  - a. An entity that expends \$750,000 or more in Federal Awards (direct federal and federal pass-through awards combined) during its fiscal year must submit an audit (and accompanying package or reports) to Grantor within (i) 30 calendar days after receipt of the auditor's report(s) or (ii) nine months after the end of the audit period, whichever is earlier.
    - i. A Not-for-profit entity is required to have a single audit or program-specific audit conducted for that year as required in 2 CFR 200-501 and other applicable sections of Subpart F. The audit and reporting package (including data collection form) must be completed as described in 2 CFR 200.512 (single audit) or 2 CFR 200 .507 (Program-specific audit).
    - ii. A For-Profit entity is required to have a Program-specific audit conducted for that year in accordance with 2 CFR 200.507.
  - b. An entity (either Not-for-profit or For-profit) that expends less than \$750,000 during its fiscal year shall submit financial statement audit reports to Grantor either within (i) 30 calendar days after receipt of the auditor's report(s) or (ii) 180 calendar days after the end of the audit period, whichever is earlier.
    - i. An entity that receives between \$300,000 and \$499,999 in Federal and State awards combined must have a financial

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<sup>45</sup> Source: [Older Americans Act Sec 306(b)(2)(B)]

statement audit conducted in accordance with Generally Accepted Auditing Standards (GAAS).

- ii. An entity that expends between \$500,000 and \$749,999 in Federal and State awards combined must have a financial statement audit conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS).

- III. **Performance of Audits.** For those organizations required to submit an independent audit report, the audit is to be conducted by a Certified Public Accountant or Certified Public Accounting Firm licensed in the State of Illinois. For audits required to be performed subject to Generally Accepted Government Auditing Standards, Grantee shall request and maintain on file a copy of the auditor's most recent peer review report and acceptance letter.
- IV. Audits must be performed in accordance with:
  - a. The United States General Accounting Office's Standards for Audit of Government Organizations, Programs, Activities and Functions;
  - b. Guidelines for Financial and Compliance Audits of Federal Assistance Programs; and
  - c. Any specific audit instructions issued by the Area Agency.
  - d. Applicants must comply with the Area Agency audit procedures and Program Audit Guidelines
- V. Audits, when required, must be conducted annually and must include both a compliance audit and a fiscal audit and may be performed on the basis of the audited entity's fiscal year.
- VI. If the agency's fiscal year is different from the Area Agency's fiscal year, reconciliation to the Area Agency's fiscal year will be required. All grantees must complete and submit reconciliation to their current audit report back to the closeout report for the preceding program year. Closeout report amounts must be in the reconciliation. Alternative amounts are not an option without a clear and complete explanation. All funds received from the Area Agency must be segregated from other sources of funding and clearly labeled.<sup>46</sup>
- VII. A copy of the audit engagement letter is due to AgeOptions within thirty days after the end of the audited entity's fiscal year. A copy of the independent audit covering activities funded all or in part with Title III funds must be provided to the Area Agency within thirty (30) days after completion and acceptance (due date established in the Audit Engagement Agreement) but no later than six (6) months after the end of the fiscal year audited.

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<sup>46</sup> Sources: [IDOA AAA Policies and Procedures Sec 1132 (a, b; 45 CFR 76 Lower Tier Transactions; 2CFR180)

VIII. (For Contractors) The completed audit must confirm the accuracy of the Area Agency reimbursement rate.

*Updated November 2018*