

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>04-119D</b>	<b>PAGE NUMBER</b>  <b>1 of 10</b>								
	<b>SUBJECT:</b>  <b>FISCAL: Federal Grant Management and Oversight</b>										
<b>Approved By:</b>    Secretary of Corrections	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Original Date Issued:</b></td> <td style="text-align: right;"><b>07-30-15</b></td> </tr> <tr> <td><b>Replaces Version Issued:</b></td> <td style="text-align: right;"><b>N/A</b></td> </tr> <tr> <td colspan="2"><b>CURRENT VERSION EFFECTIVE:</b></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>07-30-15</b></td> </tr> </table>			<b>Original Date Issued:</b>	<b>07-30-15</b>	<b>Replaces Version Issued:</b>	<b>N/A</b>	<b>CURRENT VERSION EFFECTIVE:</b>		<b>07-30-15</b>	
<b>Original Date Issued:</b>	<b>07-30-15</b>										
<b>Replaces Version Issued:</b>	<b>N/A</b>										
<b>CURRENT VERSION EFFECTIVE:</b>											
<b>07-30-15</b>											

<b>APPLICABILITY:</b>	<input type="checkbox"/> <b>ADULT Operations Only</b>	<input type="checkbox"/> <b>JUVENILE Operations Only</b>	<input checked="" type="checkbox"/> <b>DEPARTMENT-WIDE</b>
-----------------------	---	--	--

## POLICY STATEMENT

The Kansas Department of Corrections (KDOC) shall maintain fiscal and programmatic accountability of all federal funds, property and other assets awarded to KDOC in accordance with all applicable federal Office of Management and Budget Circulars, regulations, statutes, and awarding agency financial guidelines in addition to KDOC Internal Management Policy and Procedures and the Kansas Department of Administrations Policy and Procedure Manual.

## DEFINITIONS

**Allowable Cost:** Costs allowable under a federal grant program and are governed by cost principles of the Office of Management and Budget (OMB), Code of Federal Regulations (CFR), and Kansas Department of Administration and KDOC policies and procedures.

**Closeout:** The process in which the awarding agency determines that all applicable administrating actions and all required work of the award have been completed by the recipient and sub-recipients.

**Consultant:** An individual who provides professional advice or services.

**Contract:** An agreement between an entity and KDOC for the provision of goods or services.

**Contractor:** An entity that provides goods and services for KDOC.

**Drawdown:** The payment of grants fund by the awarding agency to KDOC.

**Grant Adjustment Notification (GAN):** A request to the federal awarding agency to make programmatic, administrative and/or financial change to a federal award. This is done electronically using the Federal Grant Management System (GMS).

**Grant Specialist:** The Fiscal Division staff member responsible for the financial oversight and management of all federal awards received by the Department.

**Official Grant File:** The repository for all official documents for each individual award. Such documentation shall include, but is not limited to, the solicitation, application, bid documents, sole source documentation, award documents, certifications, special conditions, financial reports, program/progress reports, grant adjustments, audit reports, site visit/desk review reports, corrective action plans, and close out documentation.

Periodic Certification: Periodic certifications are required in lieu of timesheets when employees work on a single federal award. This certification shall be sign and certified by the employee and supervisors having first-hand knowledge of the grant related work and submitted every six (6) months.

Program Income: Gross income earned during the funding period as a direct result of an award. Program income may be used only for allowable program expenses.

Project Costing: The module within the SMART system used to track project-related financial, distribution and operational data. Project costing is integrated with other SMART modules, and accumulates a large amount of resource transaction data including payroll, expenses, revenue and assets during the life of the award.

Program Manager: The KDOC staff member who is responsible for the implementation and program management a federal award. The program manager works closing with the grant specialist to ensure that federal funds are used only for those expenditures associated with activities that conform to the goals and objectives approved for the grant.

Project Period: The period for which implementation of the federal award or project is authorized.

SHARP: State of Kansas Human Resources and Payroll System.

SMART: Statewide Management, Accounting and Reporting Tool.

Sub-grant: The award of federal funds received by KDOC to any entity which will perform program activities aimed at achieving the goals and objectives of the federal award.

Sub-recipient: An entity that KDOC may sub-award federal funds to in order to carry out part of a federal program, but does not include an individual that is a beneficiary of such program. Sub-recipients are required to adhere to applicable laws of their jurisdiction and financial, program and administrative rules set forth by KDOC, DOJ, OCFO guidelines, OMB and CFR's.

Supplanting: Deliberately reducing state or local funds because of the availability of federal funds. For example, when state funds are appropriated for a stated purpose and federal funds are then used in place of the appropriated state funds so they may be used elsewhere, supplanting has occurred.

Un-allowable Cost: Expenses that cannot be charged against federal funds.

## **PROCEDURES**

### **I. Federal Grant Application**

- A. KDOC and sub-recipients shall follow all applicable statutory and regulatory requirements.
- B. Prior to applying for a federal grant, the grant application and the federal grant request form (Attachment A) shall be submitted to the Grant Specialist at least 30 working days before application due date for review. The grant application shall include, at a minimum, the following:
  1. All required federal certifications and assurances shall be completed and submitted with the grant application for fiscal review, including but not limited to:
    - a. Debarment and Suspension Certification;
    - b. Drug Free Workplace;
    - c. Lobbying;
    - d. Equal Employment Opportunity Plan (EEOP);
    - e. Federal Funding Accountability and Transparency Act (FFATA); and

f. Any other required certification and assurance listed as part of the federal grant program.

2. A Complete Budget and Budget Narrative.

a. The budget shall include line items and rounded using whole dollar amounts.

b. The narrative shall contain detailed explanations for each line items expense including calculations used and matching requirement.

c. When costs are allocated among multiple funding sources, a detailed discussion of the allocation methodology shall be included.

d. Travel expenses shall be based on the State of Kansas travel and per diem rates as established by the Kansas Department of Administration. The budget narrative must state that all travel costs are based on the state travel rates.

e. When applicable, the source of match funds, whether from state or local funds, shall be clearly identified. The use of matching funds is subject to the same requirements and restrictions as federal funds.

f. Any proposed allocation methodology shall be reasonable, attainable, and measurable. Such allocation methodologies include time and labor statistics, and caseloads.

g. The name, title, email address and phone number of KDOC program manager that will handle the day-to-day management of program or project.

3. Any consultant, contractor and or sub-recipients, if known.

C. Allowable and Unallowable Cost.

1. All expenditures shall be allowable and follow the applicable Office of Management and Budget cost principles, agency polices, program regulation, and the terms of the grant program.

2. Proposed contractual and sub-recipient agreements shall be reasonable, allowable, and necessary to the project.

3. The following items are considered unallowable costs:

a. Any cost that was not approved by the federal awarding agency;

b. Cost incurred outside of the project period;

c. Food or beverages;

d. Lobbying;

e. Fundraising;

f. Entertainment;

g. Fines and penalties;

h. Credit card fees;

i. Passport charges;

j. Tips;

- k. Bar charges/alcoholic beverages;
- l. Membership fees to organizations whose primary activity is lobbying; and
- m. Supplanting.

## **II. Acceptance**

- A. Secretary of Corrections shall be the Authorized Official in the application to indicate full acceptance of all terms and conditions; and shall be the Authorized Official to acceptance the award.
- B. The Grant Specialist shall be designated as the financial point of contact (FPOC) on all federal awards. The FPOC shall be responsible for the financial administration of the award.
- C. The Grant Specialist shall, upon receipt of signed award documents, establish in the Statewide Management, Accounting, and Reporting Tool (SMART) a fund, budget unit and project costing ID.
- D. Upon notification from the federal awarding agency of award approval, the program manager shall forward all signed original award documents to the Grant Specialist, who shall maintain the official grant file.
  - 1. The official grant file for each federal award shall include, but is not limited to;
    - a. Application;
    - b. Signed award documents;
    - c. Certification and assurances;
    - d. Special conditions;
    - e. Approved budget and narrative;
    - f. Sub-grantee reports and documentation;
    - g. Bid documentation;
    - h. Sole sources documentation;
    - i. Contracts;
    - j. Financial reports (SFR);
    - k. Program/progress reports;
    - l. Grand adjustments; and
    - m. Closeout documentation
- E. Current approved budgets from federal awarding agency shall be submitted to the Grant Specialist along with any approved award adjustments before any funding can be expended

## **III. Management**

- A. KDOC shall utilize the reporting capabilities of SMART to report on receipts, obligations, and expenditures through project costing and general ledger.

1. The Grant Specialist shall be responsible for detailed accounting records and documentation to track all of the following information.
    - a. Approved federal allocation of staff time shall be based on approved payroll records supported by timesheets and/or periodic certification statement.
      - (1) Grant funded staff shall submit signed timesheets to the Grant Specialist five business days after the end of a pay period.
    - b. Matching funds are restricted to the same uses as federal funds
    - c. Program income shall be tracked separate from the direct award utilizing project costing module and unique budget unit in SMART.
      - (1) Expenditures and receipts shall be consistent with the requirements set forth by the awarding federal agency or pass through grants.
    - d. Sub-grants (amount, purpose, award conditions and current status);
    - e. Tracking actual expenditures or outlays with budgeted amounts for each award and sub-grant throughout the life of the grant;
  2. Expenditure of grant funds shall be made in accordance with IMPP 04-117D.
- B. Obligations shall be established utilizing the requisition process established in IMPP 04-116D.
- C. Drawdown of federal awards shall be requested after the expenditure has occurred. Expenditures and drawdown reports shall be pulled from SMART using the project costing ID, fund, and budget unit. Expenditures shall balance to the general ledger, federal budget and cash report before draws can be made.
1. The Fiscal Officer shall ensure that federal funds governed under provisions of the Federal Cash Management Improvement Act are drawn down on an as-needed basis, thereby ensuring funds do not sit idly in KDOC accounts and the agency is not assessed interest penalties by the Department of Administration on behalf of the federal government.
  2. Funds shall only be drawn when designated Fiscal Division staff receives invoices or other notifications of payment obligation that can be processed through SMART.
  3. All drawdowns shall be made on a reimbursable basis with the exception of approved federal awarding agencies that permit drawdown on the entire amount.
  4. Federal funds may be drawn down prior to the expenditure being made to ensure cash is available during the close out of the state fiscal year. Such draw down shall be within ten (10) calendar days of making the disbursement.
  5. Federal awards in which KDOC is the sub-recipient, such as grants awarded by the Governor's Grants Office, shall be drawn down in accordance with the granting agency's policies and procedures.
  6. This section shall not apply to grants where the awarding agency specifically requires KDOC to draw down funds at the beginning of the grant period.
- D. Contracts shall not be entered into until the grant is approved by the awarding federal agency. All contracts financed with federal funds are subject to the provisions of IMPPs 01-105D and 04-116D.
1. Consultant Rates - Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the marketplace.

- a. Each federal awarding agency periodically establishes a consultant rate maximum limit. The maximum federal rate should not be the default rate for sole source contracts.
2. Any contract or sole source agreement over \$100,000 shall require prior approval from the federal awarding agency.
- E. Reporting for both program and financial reports shall be completed in accordance with approved federal awarding agency requirement set forth in the award documents.
- F. Grant Adjustment Notices.
  1. A grant adjustment notice (GAN) shall be required when making a programmatic, administrative or financial change to a federal grant.
    - a. GAN submission is the responsibility of the program manager, Reasons for submitting a GAN included, but not limited to,
      - (1) Budget Modification
        - (a) Any budget modification to a federal award shall be submitted to the Grant Specialist five working days before a request is made for review. The Grant Specialist shall notify the Grant Manager via email of necessary changes.
      - (2) Change in Authorized Official
      - (3) Change in KDOC program manager;
      - (4) Changes to the scope of the award;
      - (5) Changes to the project period (no cost extension);
      - (6) Addition or deletion of programs or reallocation of resources between sub-recipients;
      - (7) Costs that require written prior approval from the awarding agency;
      - (8) Compensation for consultant services not to exceed specify amount by the federal awarding agency;
      - (9) Contracts and sole source procurements in excess of \$100,000;
- G. Property and assets shall be managed and tracked in accordance with IMPP 04-114D. In addition, the grant specialist shall obtain and maintain the Federal Equipment Inventory Form for each item purchased with federal funds.
  1. The Fiscal Division shall certify annually the inventory property record.
- H. Travel shall be allowed if approved in the federal awarding agency budget. All travel financed by federal funds is subject to IMPP 04-118D.

#### **IV. Closeout**

- A. Final closeouts of a federal award shall be done in accordance with the award federal agency guidelines. Required steps before and during closeout consist of:
  1. Expenditures and cash reconciliation to general ledger;
  2. Un-obligate any unspent funding;

3. Final draw down;
4. Report all allowable cost incurred, both KDOC and sub-recipient;
5. Verify match requirement has been met;
6. File the Final SF-425 report;
7. File the final progress report in accordance with instruction provided by the awarding agency; and
8. Return any unspent grant or program funding to the awarding agency.

**V. Sub-recipients**

**A. Sub-grantees.**

1. Applications for sub-grants shall include a detailed statement of work which includes, at a minimum:
  - a. Program goals, timeline, and measures to be used to demonstrate progress.
  - b. A line-item budget and narrative justifying the proposed budget and explaining the calculations used to establish the budget. Matching funds, if applicable, shall be documented in the line-item budget and narrative.
  - c. Sub-recipient period of performance start and end date.
  - d. Names, addresses, phone numbers, and email for the Official to Sign, Program Manager, and Fiscal Officer.
  - e. DUNS number and SAM/cage number. The sub-grantee's name must match registered name in DUNS.
  - f. Personnel information as required by the Federal Funding Accountability and Transparency Act (FFATA).
  - g. Federal Identification number (FEIN).
  - h. Program goals, timeline, and measures to be used to demonstrate progress. The following federally-required certifications and assurances:
    - (1) Lobbying, Debarment, Suspension and Other Responsibility Matters: and Drug-Free Workplace Requirements (Attachment B)
    - (2) EEOP and Civil rights nondiscrimination. (Attachment C)
    - (3) Five Most Highly Compensated Officers (if applicable). (Attachment D)
    - (4) Equal Employment Opportunity Plan (If the sub-grantee receives \$500,000 or more annual).
  - i. The signatures of the Official to Sign, Program Manager, and Fiscal Officer.
2. The sub-grantee application shall be reviewed by the grant specialist for compliance with federal requirements.
  - a. Applications shall be submitted to the grant specialist for review and reviewed within 30 working days from receipt of application.

- b. The grant specialist shall review the applications and provide recommendation for approval or denial to the program manager and Fiscal Officer within 30 working days of receipt.
  - c. Upon approval, the grand specialist shall assign a KDOC grant number to be used during the life of the sub-grant.
3. Award documents. Upon approval, sub-grant award documents shall be prepared which identify the federal award information and applicable compliance requirements, including any special conditions. The award document shall, at a minimum include the following information:
- a. Award name and KDOC grant number.
  - b. CDFA title and number.
  - c. Name of federal awarding agency.
  - d. Award amount.
  - e. Award period.
  - f. Program and financial reporting requirements.
  - g. The approved grant application, to include the budget, budget narrative, program goals and objectives, performance measures, and federally-required assurances and certifications.
  - h. Method of payment.
  - i. Project policies.
  - j. Records retention requirements.
  - k. Penalties and sanctions
  - l. Requirements imposed by law or regulations.
  - m. Special conditions.
  - n. Department of Administration Contractual Provisions form (DA-146a).
4. Award documents shall be signed by the Secretary and the sub-grantee's authorized official. Signed awards documents shall be placed in the official grant file maintained by the grant specialist.

B. Sub-recipient Monitoring

- 1. Sub-grantees.
  - a. KDOC shall monitor all sub-grantees for compliance with the terms of the grant assurance, federal financial guidelines, laws, and regulations, and OMB circulars.
  - b. Sub-grantee monitoring shall consist of:
    - (1) Monthly review of financial and performance reports.
    - (2) Regular communication with sub-grantees.

- (3) Review of the sub-grantee's single or program-specific audit for sub-grantees who receive \$750,000 or more in federal awards during the sub-grantee's fiscal year. Audit reports must be received within nine months of the close of the sub-grantee's fiscal year.
    - (4) Review of detailed financial and program data, to include timesheets, time and effort records, invoices, internal controls, validity of cost allocation methodologies, and reconciliation of financial reports to the sub-grantee's general ledger. Such reviews shall be conducted during site visits or as a desk review.
  - c. Every attempt shall be made to ensure each sub-grantee is reviewed at least once during the award period.
    - (1) Priority of reviews shall be given to sub-grantees with complex compliance requirements, who receive large dollar amounts, and those sub-grantees that exhibit behaviors which indicate mismanagement, waste, fraud, and/or abuse may be present. Such indicators include:
      - (a) Reports that are frequently late and/or inaccurate.
      - (b) Lack of supporting documentation.
      - (c) Frequent budget adjustments.
      - (d) Reported expenditures are routinely in equal shares (i.e., quarterly reports show one-fourth of the annual award amount).
      - (e) Changes in all or a majority of the Official to Sign, Program Manager, and Fiscal Officer.
      - (f) Inability or unwillingness to provide completed audits.
  - d. All findings shall be documented in a final report and presented to the sub-grantee. If necessary, the sub-grantee shall prepare a corrective action plan to address any deficiencies.
  - e. The final report, corrective action plans, progress reports, and any other documentation pertaining to the review shall be retained in the official grant file.
2. Contractors.
  - a. Contractors shall be monitored to ensure they are in compliance with federal financial management requirements and the terms of the contract.
  - b. Contractor monitoring shall include:
    - (1) Review of invoices and supporting documentation to verify costs are reasonable and allocable to federal awards and compliance with the terms of the contract.
    - (2) Monitoring contractor performance against outcomes outlined in the contract.
    - (3) Site visits to observe operations.
    - (4) Regular communication with contractors.

- (5) Review of the contractor's single or program-specific audit for contractors who receive \$750,000 or more in federal awards during the contractor's fiscal year. Audit reports must be received within nine months of the close of the contractor's fiscal year

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

### **REPORTS REQUIRED**

None.

### **REFERENCES**

OMB A-102 Administration Rules  
OMB A-87 Cost Principles for State, Local, and Indian Tribal Governments  
OMB A-133 Audits  
Uniformed Guidance dated December 12, 2014  
IMPP 01-105D, 04-114D, 04-116D, 04-117D, 04-118D

### **ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Federal Grant Application Review Form	1 page
B	Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements	2 pages
C	Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements	2 pages
D	Five Most Highly Compensated Officers	1 page
E	Periodic Certification Form	1 page

**FEDERAL GRANT APPLICATION REVIEW FORM**

Date: \_\_\_\_\_

Program Division: \_\_\_\_\_

Submitted by: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Federal Agency: \_\_\_\_\_

Name of Solicitation: \_\_\_\_\_

Solicitation Number: \_\_\_\_\_ CFDA # \_\_\_\_\_

Federal Dollar Amount: \$ \_\_\_\_\_ Match Dollar Amount: \$ \_\_\_\_\_

Due Date of Solicitation: \_\_\_\_\_ If Funded Time Frame: \_\_\_\_\_

Explain how will the project be sustained when Federal funding ends:

\_\_\_\_\_

Will there be any subawards or subgrantees? If so please explain:

\_\_\_\_\_

Will any contracts or sole sources be required? if so please explain:

\_\_\_\_\_

Please attached solicitation, application, budget, budget narrative and any supporting documentation.

Date Received By Fiscal: \_\_\_\_\_ By: \_\_\_\_\_

Date Reviewed by Fiscal: \_\_\_\_\_ By: \_\_\_\_\_

Approved \_\_\_\_\_ Date \_\_\_\_\_

Denied, please provide justification:

\_\_\_\_\_

Program Manager Notified: \_\_\_\_\_ Date: \_\_\_\_\_

**The Fiscal Division Grant Specialist shall review the proposal/request for funding and appropriate rules and regulations pertaining to federal grants. During the review period additional information may be required to complete the process. The Fiscal Division Grant Specialist shall approve or deny the solicitation/application request within thirty (30) working days of receipt of the solicitation/application.**



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check  if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 406177.

Check  if the State has elected to complete OJP Form 406177.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

\_\_\_\_\_

**Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements**

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three. Recipient's Name:

Address:

Grant Title:

Grant Number:

Award Amount:

Name and Title of Contact Person:

Telephone Number:

E-Mail Address:

**Section A—Declaration Claiming Complete Exemption from the EEOP Requirement**

Please check all the following boxes that apply:

- Recipient has less than fifty employees.
- Recipient is an Indian tribe.
- Recipient is a medical institution.
- Recipient is a nonprofit organization.
- Recipient is an educational institution.
- Recipient is receiving an award less than \$25,000.

I, \_\_\_\_\_ [responsible official], certify that

\_\_\_\_\_ [recipient] is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.

I further certify that \_\_\_\_\_ [recipient] will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

\_\_\_\_\_  
*Print or Type Name and Title Signature Date*

**Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review**

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, \_\_\_\_\_ [responsible official], certify that

\_\_\_\_\_ [recipient], which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:

\_\_\_\_\_  
[organization],

\_\_\_\_\_  
[address].

\_\_\_\_\_  
*Print or Type Name and Title Signature Date*

**Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review**

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, \_\_\_\_\_ [responsible official], certify that

\_\_\_\_\_ [recipient], which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on \_\_\_\_\_ [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

\_\_\_\_\_  
*Print or Type Name and Title Signature Date*

## **Completing the Certification Form**

### **Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements**

The federal regulations implementing the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, require some recipients of financial assistance from the U.S. Department of Justice subject to the statute's administrative provisions to create, keep on file, submit to the Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) for review, and implement an Equal Employment Opportunity Plan (EEOP). See 28 C.F.R. pt. 42, subpt. E. All awards from the Office of Community Oriented Policing Services (COPS) are subject to the EEOP requirements; many awards from OJP, including awards from the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC) are subject to the EEOP requirements; and many awards from the Office on Violence Against Women (OVW) are also subject to the EEOP requirements. If you have any questions as to whether your award from the U.S. Department of Justice is subject to the Safe Streets Act's EEOP requirements, please consult your grant award document, your program manager, or the OCR.

**Recipients should complete *either* Section A *or* Section B *or* Section C, not all three.**

#### **Section A**

The regulations exempt some recipients from all of the EEOP requirements. Your organization may claim an exemption from all of the EEOP requirements if it meets any of the following criteria: it is a nonprofit organization, an educational institution, a medical institution, or an Indian tribe; *or* it received an award under \$25,000; *or* it has less than fifty employees. To claim the complete exemption from the EEOP requirements, complete Section A.

#### **Section B**

Although the regulations require some recipients to create, maintain on file, and implement an EEOP, the regulations allow some recipients to forego submitting the EEOP to the OCR for review. Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business; *and* (2) have fifty or more employees; *and* (3) have received a single grant award of \$25,000 or more, but less than \$500,000, may claim the limited exemption from the submission requirement by completing Section B. In completing Section B, the recipient should note that the EEOP on file has been prepared within twenty-four months of the date of the most recent grant award.

#### **Section C**

Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business, *and* (2) have fifty or more employees, *and* (3) have received a single grant award of \$500,000 or more, must prepare, maintain on file, *submit to the OCR for review*, and implement an EEOP. Recipients that have submitted an EEOP Utilization Report (or in the process of submitting one) to the OCR, should complete Section C.

#### **Submission Process**

If a recipient receives multiple awards subject to the Safe Streets Act, the recipient should complete a Certification Form for each grant. Recipients should download the online Certification Form, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: [EEOPForms@usdoj.gov](mailto:EEOPForms@usdoj.gov). *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

KANSAS DEPARTMENT OF CORRECTION GRANTS PROGRAMS  
714 SW JACKSON, SUITE 300, TOPEKA, KS 66614

**FIVE MOST HIGHLY COMPENSATED OFFICERS**

Due Date \_\_\_\_\_, \_\_\_\_\_

1. NAME AND ADDRESS OF SUBGRANTEE ORGANIZATION (must include Zip+4 data)	2. GRANT TITLE AND NUMBER
4. GRANT AWARD AMOUNT	3. SUBGRANTEE DUNS NUMBER
5. PHONE NUMBER	

6. NAME AND TITLE OF AUTHORIZED CERTIFYING OFFICIAL

7. In the subgrantee's preceding fiscal year, did the subgrantee receive

(i) 80 percent or more of its annual gross revenue from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); **AND**

(ii) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and Subcontracts) and Federal financial assistance subject to the Transparency Act (and subawards)?

Yes

No

8. Does the public have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

Yes

No

9. IF the answer to question number 7 is "Yes" AND the answer to question number 8 is "No," then the subgrantee must provide the following most highly compensated data:

Name <sup>1</sup>	Total Compensation <sup>2</sup>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

<sup>1</sup> Provide the names of each of the five most highly compensated executives for the subgrantee's preceding completed fiscal year.

<sup>2</sup> "Total compensation" is defined as the cash and noncash dollar value earned by the executive during the subgrantee's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- (i). Salary and bonus.
- (ii). Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with FAS 123R.
- (iii). Earnings for services under non-equity incentive plans. Does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- (iv). Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- (v). Above-market earnings on deferred compensation which is not tax-qualified.
- (vi). Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

Approved by Kansas Department of Corrections Federal Grant Specialist:	Date:
--	-------

Where employees are expected to work solely on a single Federal award or cost objective, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications will be prepared at least semiannually and will be signed by the employee **and** supervisory official having firsthand knowledge of the work performed by the employee.

This is an after-the-fact certification of time worked; therefore, it should be signed and dated after the end of the time period.

## Periodic Certification Form

*Part I: To be completed by the employee.*

I understand that my position is supported entirely by funds from federal grant \_\_\_\_\_. I certify that 100% of my job duties were related to activities in compliance with this program during the period from \_\_\_\_\_ to \_\_\_\_\_. The information recorded on this form is true and correct to the best of my knowledge.

\_\_\_\_\_  
Print Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

*Part II: To be completed by a supervisor having firsthand knowledge of the employee's work.*

The information recorded on this form is true and correct to the best of my knowledge.

\_\_\_\_\_  
Print Supervisor Name

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date