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To: Community Services Block Grant (CSBG) Grantees and Sub-Grantees

From: Community Services Program (CSP)

Reference: CSP-IM-2020-02: CARES Act Guidance and Waivers

CARES Act Guidance and Waivers

During emergencies and disasters, members of the low-income population are almost always affected disproportionately. A lack of available resources and reduced access to resources may limit these individuals' and families' ability to prepare for, respond to, and recover from the current public health emergency. As the Coronavirus Disease continues to spread across the country and in Wyoming's communities, we can only expect that Wyoming residents will continue to be impacted. Assisting Grantees and Sub-Grantees in the continued provision of services and supporting our programs in times such as these is at the very core of the mission of the CSP and CSBG.

This Information Memorandum (IM) provides guidance to the Wyoming Community Services Program (CSP) Grantees and Sub-Grantees for the use of the Coronavirus Aid, Relief, and Economic Security (CARES) Act CSBG Supplemental. The information and procedures contained in this IM are effective March 27, 2020, and will expire September 30, 2022. This IM will supersede any previously published guidance, policy, procedure, or otherwise conflicting information on the administration of funds until the expiry date.

ELIGIBILITY

Client Eligibility

To be eligible for CSBG services or benefits, clients must be at or below 200% of the corresponding Federal Poverty Line (FPL) for the FFY, as determined by the federal Office of Management and Budget (OMB) based on the most recent federal Census data and as revised annually (or more frequently) by the U.S. Department of Health and Human Services.

In accordance with CSBG Information Memorandum #154: Disaster Flexibilities and Waivers, the CSP is allowing for the use of the COVID-19 Affidavit of Eligibility form, for services providing the following:

- Food pantry/meals
- Medical supplies/prescriptions

- Household/hygiene products
- Clothing

Additionally, in order to be eligible for services as a sole proprietor whose business has been impacted by COVID-19 and Governor Gordon's Executive Orders on Closures, sole proprietors may elect to sign the COVID-19 Affidavit of Eligibility form to qualify for assistance if their business is listed in the orders. Please review the latest Executive Order on Closures to determine eligibility on business closures.

The process for verifying client eligibility as outlined in Information Memorandum-2020-01: FY2020 Client Eligibility still pertains to all other service provision at this time, in that anyone receiving services supported by CSBG funds must not have an income that exceeds 200% of the Federal Poverty Level, and there must be documented proof of income for the past 30 days. All other services including, but not limited to case-management, financial assistance, housing, education, and any other services being provided not otherwise mentioned above, should maintain the practice of client eligibility and income verification consistent with Information Memorandum-2020-01: FY2020 Client Eligibility.

Economic Impact Payments (EIP)

§2201 of the CARES Act (P.L. 116-136) provides a one-time tax credit of \$1,200 for most individuals. The IRS is referring to these tax credits as "economic impact payments," while many news outlets are using the term "stimulus payments." The CSP excludes income tax refunds from countable income. Therefore, since EIPs are defined in the CARES Act as a tax credit, they are not counted as income when determining client eligibility.

Proof of US Residency/Legal Status

Neither the CSBG Act nor the CSP and its program guidance, policies, and procedures requires proof of residency/legal status as an eligibility requirement to receive services. There is a prohibition of denying services based on one's immigration/legal status from the federal Office of Community Services: CSBG Information Memorandum #30 states "non-citizens, regardless of their alien status, should not be banned from CSBG programs based solely on their alien status unless the exclusion is authorized by another statute." The CSP does not have another statute that would authorize this.

In terms of residency requirements for the county/service area, CSP does not have a policy on this. If agencies have a policy that states only participants who reside in the county are eligible to receive services, this is acceptable.

SERVICE PROVISION AND ALLOWABLE CHARGES

COVID-19-Affected Individuals

CSBG funds under the CARES Act are appropriated specifically "to prevent, prepare for, or respond to coronavirus." COVID-19's damage to the economy has been pervasive, systemic, and cascading. Even if an individual's financial challenges predated COVID-19, that person is now in a much worse position with fewer possible recourses. **Therefore, all low-income individuals are**

considered coronavirus-affected, and use of CARES Act funds to assist any low-income individual or community is considered a legitimate “response to coronavirus” given the activities being funded are identified in your service area’s COVID-19 Community Needs Assessment Addendum, Community Action Plan, and CARES Act Contract Statement of Work (SOW). In order to track those receiving services through the CARES Act funds, Grantee and Sub-Grantee intake forms will need to have a “COVID-19” checkbox.

Budget Period and Charging

The CARES Act CSBG Supplemental Notice of Award (NOA) states the budget period as beginning March 27, 2020, and ending September 30, 2022. Any charges for services incurred during this time can be charged to the CARES Act fund, so long as it is allowable, allocable, and reasonable consistent with the purpose of the funds and the Office of Management and Budget’s (OMB) Grants Guidance.

Use and Distribution of Gift and Pre-Paid Cards

The purchase and distribution of gift, gas, and other pre-paid cards is an allowable charge to CSBG, especially during times of emergency and crisis, so long as agencies follow CSP Policy #6: Purchase and Distribution of Gift and Gas Cards. Ensure providing such aligns with your agency’s service provision stated in the WDH FY2020 Contract Statement of Work.

Sanitation and Janitorial Charges

CSBG funds may be used for costs associated with the health and safety of facilities, such as costs for sanitation, gloves, and cleaning services, and CSBG funds may also be used to make facilities usable and accessible.

Medical Supplies Requests

If your agency needs medical supplies (gloves, respirators, etc.) to continue service provision, please contact your local county Emergency Manager and put in a request for supplies. Contact Information for such can be found here: <https://hls.wyo.gov/contacts/county-contacts>. Your local county Emergency Manager will fulfill that request with the supplies on hand locally. If your county needs additional supplies and cannot fulfill requests with local stock, the Emergency Manager will place a request with the State of Wyoming.

Travel and Trainings

The use of CARES Act funds for travel and training is an allowable charge to the grant, so long as the reason for travel and training is consistent with the purpose of the funds (to prevent, prepare for, and respond to the impacts of COVID-19). If a Grantee or a Sub-Grantee is wishing to charge to this line item, approval for such will need to be sought with the CSP. Please include in your monthly expenditure report for the corresponding month of travel, a copy of the conference agenda, travel invoices (air or land), lodging invoices, and GSA rates for the location of the conference. If the CSP determines that the travel and training is not justifiable as it relates to COVID-19, then the CSP will not reimburse for those costs incurred.

DOCUMENTATION

Signature Waivers

If client signatures cannot be obtained due to social and physical distancing measures, such as intakes and consultations occurring via telecommunications, a verbal self-attestation from the client can stand in place of a physical wet signature. Indicate on the intake form and any other applicable intake materials that verbal attestation from the client was given, with a date stamp. If your agency has electronic signature capabilities on intake forms, that is allowable.

Further, if using CSBG funds to purchase and distribute gift, gas, and other pre-paid cards, a client signature on the receipt or invoice for the card is not required in the Gift Card Tracking Log (please see Policy #6: Purchase and Distribution of Gift and Gas Cards). A verbal confirmation indicated by intake staff signature or initials accompanied by a date stamp will be sufficient.

Original Documents

You may accept photographs, photocopies, and faxes of documents in lieu of originals if social and physical distancing measures prohibit the possession of original documents.

Eviction Prevention

An eviction or foreclosure notice is not required to be eligible for housing payment assistance. Qualifying need for assistance is established by the client producing a late notice from their property owner or providing an attestation that they are behind on rent if no such notice is available. The usual income eligibility criteria still apply.

HUMAN RESOURCES

Payment of Salaries and Wages and Fringe Benefits

Grantees' and Sub-Grantees' practice for how to deal with payment of salaries, wages, and fringe benefits, including leave, and hazard pay, should be conducted in a manner consistent with their organization's policies. Federal grant funds may be used to pay for different types of leave (e.g. sick, emergency closures, etc.) so long as Grantees and Sub-Grantees follow criteria for a leave policy as set forth in the Uniform Guidance.

The Uniform Guidance specifically states that the cost of leave may be charged to federal grants if:

- i. The leave is provided under the established written leave policies;
- ii. The costs are equitably allocated to all related activities; and
- iii. The organization uses a consistent accounting basis for costing each type of leave

The costs must also meet the basic considerations for cost allowability in 45 CFR § 75.402-411, requiring that all costs be necessary, reasonable, and allocable.

Grantees and Sub-Grantees should amend or put in place a formal policy that provides for paying staff in light of sick leave, emergency closure, or other reduction in staffing. Payment of salaries, wages, benefits, leave, and hazard pay cannot be retroactively paid if a formal policy was not in place. Policies should include the above criteria.

ADMINISTRATION

Program Operations

Should Grantees and Sub-Grantees reduce hours or days of program operations, make certain that appropriate notifications are posted for your clients and consider adding changes to telephone greetings and email signatures. Please notify CSP of any changes in times of program operations via email, at sarah.green@wyo.gov.

Safe Practices

Community Action Agencies (CAAs) (both Grantees and Sub-Grantees) are identified as essential critical infrastructure workers under the CSBG Act providing emergency services, housing, nutrition, healthcare, transportation, and other anti-poverty programs to low-income individuals and families. Your agency is encouraged to adhere to the following guidance while maintaining emergency services to low-income individuals and families.

- Employers should explore whether they can establish policies and practices, such as flexible worksites (e.g., telecommuting, remote workstations) and flexible work hours (e.g., staggered shifts), to reduce the amount of staff in the business site and increase the physical distance among employees and between employees to ensure social distancing strategies are followed.
- Where social distancing is difficult to maintain, the Centers for Disease Control have issued guidance on face masks and coverings.
- Promote frequent and thorough hand washing, including by providing workers, customers, and worksite visitors with a place to wash their hands. If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol.
- Encourage workers to stay home if they are sick.
- Encourage respiratory etiquette, including covering coughs and sneezes.
- Provide customers and the public with tissues and trash receptacles and equipment, when possible.
- Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment.

Tripartite Board Business and Communications

Due to the varied nature of Grantee and Tripartite Board structure; i.e. county governments, association of governments, private non-profit entities, etc., Grantees should seek their own legal counsel as to the requirements of conducting board business via telecommunications. For public Grantees that fall under the guidelines of the Wyoming Open Meetings Law, please refer to the Public Meetings Act for guidance on how to conduct official business. Specifically, Wyo. Stat. Ann. § 16-4-402(a)(iv) states:

“Assembly” means communicating in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously.

For private Grantees and Tripartite Boards, please refer to your board bylaws to determine meeting requirements, and the use of telecommunications for such.

Organizational Standards

It is expected that agencies will continue to follow the Organizational Standards and the timelines for completing Technical Assistance Plans. If you run into an issue, please contact the Community Services Program Manager at sarah.green@wyo.gov.

Community Needs Assessments

It is expected that agencies will continue to conduct Community Needs Assessments within the required triennial timeframe. If you run into an issue, please contact the Community Services Program Manager at sarah.green@wyo.gov.

Monitoring

Monitoring activities, both for CSP monitoring of Grantees and Grantee monitoring of Sub-Grantees, shall remain as stated in the WDH Contract Statement of Work consistent with the FFY. Be reminded that Grantees are not required to use the CSP Sub-Grantee Monitoring Tool, and have discretion as to how they complete on-site monitoring visits. If you foresee a conflict or reason to deviate from the contract deliverable, please contact the Community Services Program Manager at sarah.green@wyo.gov.

UPDATED & REVISED GUIDANCE

The impact of the coronavirus is a rapidly evolving public health emergency. The CSP will update or revise program guidance, as needed. Grantees and Sub-Grantees are encouraged to contact Sarah Green, Community Services Program Manager, for clarification, if needed, at sarah.green@wyo.gov.