

**2017 AmeriCorps State &
National Mandatory
Supplemental Guidance**

The 2017 AmeriCorps State & National Mandatory Supplemental Guidance is intended to provide applicants with additional information for the preparation of their applications under the 2017 AmeriCorps State and National Notice of Federal Funding Opportunity. The Supplemental Guidance provides both detailed definitions of certain terms included in the Notice, as well as additional details regarding how to properly file an application under the Notice. This Supplemental Guidance is incorporated by reference in the Notice, and applicants must comply with any requirements stated in this Supplemental Guidance.

21st Century Service Corps (21st CSC): The 21st Century Conservation Service Corps (21CSC) is a bold national effort to put young Americans and veterans to work protecting, restoring, and enhancing America's great outdoors. The 21CSC, built on the legacy of the Civilian Conservation Corps, will complete high quality, cost effective projects on public and tribal lands and waters across the nation. The 21CSC goals:

Put Americans to work: The 21CSC will provide service, training, education and employment opportunities for thousands of young Americans and veterans, including low income and disadvantaged youth.

Preserve, protect, and promote America's greatest gifts: The 21CSC will protect, restore and enhance public and tribal lands and waters as well as natural, cultural, and historical resources and treasures. With high-quality, cost-effective project work, the 21CSC will also increase public access and use while spurring economic development and outdoor recreation.

Build America's future: Through service to America, the 21CSC will help develop a generation of skilled workers, educated and active citizens, future leaders, and stewards of natural and cultural resources, communities and the nation.

In order to qualify for this priority area, applicants must demonstrate that they are a 21CSC member organization. Applications for membership are reviewed quarterly. Instructions for applicants are available in the Federal Register Notice, here: <https://www.gpo.gov/fdsys/pkg/FR-2014-04-11/pdf/2014-08101.pdf>

In addition to reviewing which applicants have selected the 21st CSC CNCS will review which applicants have selected the 21st CSC check box and consult the published list which is located here: <http://21csc.org/list-of-21csc-programs/> to make the 21st CSC determination.

Capacity Building: A set of activities that expand the scale, reach, efficiency, or effectiveness of programs and organizations. These activities achieve lasting positive outcomes for the beneficiary populations served by CNCS-supported organizations (i.e. AmeriCorps programs.) As a general rule, CNCS considers capacity building activities to be *indirect services* that enable CNCS-supported organizations to provide more, better, and sustained *direct services*. Capacity building activities cannot be solely intended to support the administration or operations of the organization. Capacity building activities must:

- 1) Be intended to support or enhance the program delivery model.
- 2) Respond to the program's goal of increasing, expanding, or enhancing services in order to address the most pressing needs identified in the community, and
- 3) Enable the program to provide a sustained level of more or better direct services after the capacity building services end.

Cost Reimbursement Grants: These grants fund a portion of program operating costs and member living allowances with flexibility to use all of the funds for allowable costs regardless of whether or not the program recruits and retains all AmeriCorps members. Cost reimbursement grants include a formal matching requirement and require the submission of a budget and financial reports.

Encore Programs: Congress set a goal that 10 percent of AmeriCorps funding should support encore service programs that engage a significant number of participants age 55 or older. CNCS seeks to meet that 10 percent target in this competition and encourages encore programs to apply. Encore will provide an opportunity for current evidence-based Senior Corps Foster Grandparents Program and Senior Companion Program grantees to expand their programs through AmeriCorps funding.

Enrollment Rate: Enrollment rate is calculated as slots filled, plus refill slots filled, divided by slots awarded.

Evidence Based Intervention Planning Grants: CNCS is seeking applications for planning grants that will be used to develop *new* national service models¹ that seek to integrate members in innovative ways into evidence-based interventions. For example, in the Economic Opportunity focus area applicants could explore how to adapt social enterprise, workforce partnership, supportive housing, or financial literacy program models that have demonstrated effectiveness through the Social Innovation Fund. Similarly, in the Healthy Futures focus area, applicants might explore how to integrate AmeriCorps members into effective program models designed to improve health outcomes such as increased access to, or utilization of, health care. Alternatively, applicants could propose taking an evidence-based practice² such as motivational interviewing and training AmeriCorps members to apply these skills in ways that could improve individual economic or health outcomes.

Applicants are encouraged to propose ideas for how AmeriCorps members might be integrated throughout the project lifecycle – from community issue and model development to implementation to evaluation of the new intervention. For example, AmeriCorps members may be integrated into the evidence-based program through direct service delivery or through supporting organizational capacity in program development and evaluation.

A planning grant provides support to a grant recipient for the development of an AmeriCorps program that will engage AmeriCorps members in implementing evidence-based interventions to solve community problems. In some cases members have been involved in the effective or promising intervention and in other cases members have not been integrated into the program model to date. For interventions that have integrated members this planning grant could be an opportunity to refine and enhance the model. For

¹ A body of evidence that supports the role of national service in effective education interventions is emerging. Many of these service education interventions are currently being funded by AmeriCorps. The purpose of these planning grants is to identify new evidence-based service interventions in focus areas with less evidence such as Economic Opportunity and Healthy Futures.

² Applicants are encouraged to use federal agency clearinghouses like the U.S. Department of Labor’s Clearinghouse for Labor Evaluation and Research (CLEAR) and the U.S. Department of Education’s Institute of Education Sciences’ What Works Clearinghouse (WW) to identify evidence-based programs and practices. For a description of CLEAR causal-evidence guidelines, visit: <http://clear.dol.gov/reference-documents/causal-evidence-guidelines-version-21>. For WWC evaluation standards, see Version 3.0 of the Procedures and Standards Handbook, <http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19>.

interventions that have not included AmeriCorps this planning grant could be used to create a new intervention and test the feasibility of adapting evidence-based interventions with a national service component. Grant recipients are awarded up to \$75,000 for a 12-month planning period and are expected to be better prepared to compete for an AmeriCorps program grant in the following grant cycle. A planning grant may not be used to support AmeriCorps members. Applicants will apply for a Cost Reimbursement grant. The project period is generally one year with a start date proposed by the applicant. The project start date may not occur prior to the date CNCS awards the grant.

A body of evidence that supports the role of national service in advancing the nation's education goals is emerging. CNCS recently conducted a synthesis of the national service evidence base (http://www.nationalservice.gov/sites/default/files/evidenceexchange/FR_NationalServiceSynthesisReport.pdf) and found that national service education interventions with positive outcomes are highly structured, well-implemented, individualized, and offer one-on-one or small group support. Research has demonstrated that interventions that share these characteristics increase literacy and math skills – especially at the early grades and for children from disadvantaged backgrounds. In addition, the evidence for interventions that promote post-secondary educational participation among youth from disadvantaged backgrounds and that promote social-emotional development is promising. A report produced by America's Promise found a similar pattern of evidence (http://www.gradnation.org/sites/default/files/National_Service_Paper-Americas_Promise.pdf?_ga=1.90930707.881796103.1466170493).

Funding national service education program models that share these characteristics and evaluating them further will help ensure that more young people benefit from effective national service solutions and will help advance the evidence base. Applicants proposing to implement an evidence-based education intervention (defined as having at least 2 QED or RCT studies with positive outcomes) will be given priority consideration. Awardees will have the opportunity to participate in a national evaluation to meet their evaluation requirements.

Evidence based program: a program that has been rigorously evaluated and has demonstrated positive results. Rigorous evaluation means at least one random control trial study or quasi-experimental evaluation, either of the program itself or of another program that the applicant is proposing to replicate.

Evidence informed program: uses the best available knowledge, research, and evaluation to guide program design and implementation, but does not have scientific research or rigorous evaluation of the program itself and is not replicating an evidence-based program.

Applicants that have not yet collected data from their own programs may be evidence-informed if they have incorporated research from other evidence-based programs into their program designs.

Fixed Amount Grants: These grants provide a fixed amount of funding per Member Service Year (MSY) that is substantially lower than the amount required to operate the program. Organizations use their own or other resources to cover the remaining costs. Programs are not required to submit budgets or financial reports, there is no specific match requirement, and programs are not required to track and maintain documentation of match. However, CNCS provides only a portion of the cost of running the program and organizations must still raise the additional resources needed to run the program. Programs can access all of the funds, provided they recruit and retain the members supported under the grant based

on the MSY level awarded. Professional Corps programs applying for operational funding through a Fixed Amount Grant must submit a budget in support of their request for operational funds.

- **Full Time Fixed amount grants:** Fixed amount grants are available for programs that enroll full-time members or less than full-time members serving in a full time capacity only. Professional Corps may only have full-time members.
- **Education Award Grants (EAP) fixed amount grant:** Programs apply for a small fixed amount per MSY, can enroll less than full-time members, and use their own resources to cover all other costs. Programs can access funds under the grant based on enrolling the full complement of members supported under the grant. As with full-time fixed amount grants, there are no specific match or financial reporting requirements for EAP fixed amount grants.

Governor and Mayor Initiative: CNCS will accept one application per state in each year's new and recomplete competition. If a state has a Governor and Mayor Initiative in continuation status, the State Commission can submit a new application. However, CNCS is interested in increasing the number of states that have Governor and Mayor's Initiatives as well as funding high quality program designs.

The application must address a pressing challenge the Governor wishes to solve in her or his state. A Governor must apply with one or more Mayor(s) in his or her state and a minimum of two nonprofits. In conjunction with the Mayor(s), the Governor will be responsible for identifying and selecting those nonprofits that are best able to achieve a demonstrated positive impact on the problem. The application should include letters of support from all relevant parties. If the Governor and Mayor(s) have not yet selected partnering nonprofit entities, they should describe the process that the Governor and Mayor(s) will use to select the nonprofit entities. The application, submitted to the State Commission, will respond to the application criteria and explain how two or more nonprofits working together, with the Governor's office serving as a convener, will effectively deploy AmeriCorps members for a collective impact. Only the Governor, Mayor(s), their designated government office (but not the State Commission), or a public institutions of higher education university may apply for grants under the Governor and Mayor initiative. Applications from other entities will be deemed non-compliant and will not be considered under this initiative.

For example, a Governor and a Mayor in a state could conclude the most pressing challenge facing the state is its high school graduation rate. The Governor and/or Mayor would submit one application describing:

- How the partnership will be organized and AmeriCorps resources will be allocated between the partnering entities (State, locality, and nonprofit entities).
- The proposed theory of change and program model.
- How they will utilize an identified consortium of nonprofits that are well positioned to achieve outcomes identified in the theory of change.

Applications submitted as part of the Governor and Mayor Initiative must check the "Governor and Mayor Initiative" box in the Performance Measure tab in eGrants. Applicants must also submit via email by the application deadline:

- a letter of support cosigned by the Governor and Mayor
- letters of support from each partnering nonprofits

Letters must be submitted for new and recompeting applicants. Applicants should see the *Submission of Additional Documents* in the *Notice* for specific submission information and requirements.

Member Service Location: A member service location is the site at which an AmeriCorps member is placed to provide his/her service to the community.

Member Service Year (MSY): One Member Service Year (MSY) is equivalent to a full-time AmeriCorps position (at least 1700 service hours.)

Multi-focus Intermediaries: CNCS recognizes that severely under-resourced communities may have limited capacity to successfully apply for and implement an AmeriCorps program, due to the size and organizational capacity of eligible applicant/host site organizations or the lack of available matching funds in these communities. Thus it may be effective for a single eligible applicant (intermediary) to develop an application and oversee the implementation of an AmeriCorps program that engages multiple grassroots non-profits/eligible applicants (referred to as a consortium) that, individually, do not have the necessary organizational or fundraising capacity to apply for and run an AmeriCorps program. Given the desire to address community needs holistically, the nonprofits/eligible applicants that make up the consortium may have but are not required to have different focus areas (including the non focus area capacity building) and thus the non profit/eligible applicant intermediary will be multi-focused.

Applicants seeking consideration under this priority must demonstrate that they will be serving in severely under-resourced communities; that their application represents a consortium, and that the activities provided by the consortium collectively address a compelling community need or set of needs; and that they have sufficient financial and management capacity to act as an umbrella organization for the consortium. Applicants seeking consideration under this priority may submit a narrative that does not exceed 18 pages. Applicants should refer to the *Page Limits* section in the *Notice* for information specific to Multi-focus Intermediary requirements.

The eligible applicant (intermediary) should submit one application which describes:

- How the partnership/consortium will be organized and AmeriCorps resources will be allocated between the partnering entities (intermediary and consortium members).
- The proposed theory (ies) of change and program model(s).
- How the intermediary will utilize an identified consortium of nonprofits/eligible applicants that are well positioned to achieve outcomes identified in the theory of change.

Applicants must submit via email by the application deadline letters of support from all members of the consortium. See the *Submission of Additional Documents* Section in the *Notice* for specific submission information and requirements.

My Brother's Keeper: President Obama launched the My Brother's Keeper initiative to address persistent opportunity gaps faced by boys and young men of color and ensure that all young people can reach their full potential.

Through this initiative, the Administration is joining with cities and towns, businesses, and foundations who are taking important steps to connect young people to mentoring, support networks, and the skills they need to find a good job or go to college and work their way into the middle class. . In order to qualify for this priority area, applicants must demonstrate that their program addresses one or more of the five milestones:

1. Getting a Healthy Start and Entering School Ready to Learn: All children should have a healthy start and enter school ready – cognitively, physically, socially and emotionally.

2. Reading at Grade Level by Third Grade: All children should be reading at grade level by age 8 – the age at which reading to learn becomes essential.
3. Graduating from High School Ready for College and Career: Every American child should have the option to attend postsecondary education and receive the education and training needed for quality jobs of today and tomorrow.
4. Successfully Entering the Workforce: All those who want jobs should be able to find work that allows them to support themselves and their families.
5. Keeping Kids on Track and Giving Them Second Chances: All children should be safe from violent crime; and individuals who are confined should receive the education, training and treatment they need for a second chance.

In order to qualify for this priority area, applicants must demonstrate that their program addresses one or more of the five milestones.

National Direct Applicants

Multi-state: Organizations that propose to operate AmeriCorps programs in more than one state or territory apply directly to CNCS.

Federally-recognized Indian Tribes: Applicants that are Indian Tribes apply directly to CNCS (see the *Eligible Applicants* section in the *Notice*).

State and Territories without Commissions: Applicants in South Dakota, American Samoa, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands apply directly to CNCS because this State and Territories have not established a State Commission.

National Forum on Youth Violence Prevention: A network of communities and federal agencies that work together, share information and build local capacity to prevent and reduce youth violence. Established at the direction of President Obama in 2010, the Forum brings together people from diverse professions and perspectives to learn from each other about the crisis of youth and gang violence in the U.S and to build comprehensive solutions on the local and national levels. Participating Federal agencies include the Departments of Justice, Education, Health and Human Services, Housing and Urban Development, Labor, and the Office on National Drug Control Policy. The communities participating in the Forum include Boston, Camden, Chicago, Detroit, Memphis, Minneapolis, New Orleans, Philadelphia, Salinas, San Jose, Long Beach, Cleveland, Louisville, Seattle, and Baltimore. - See more at: <http://youth.gov/youth-topics/preventing-youth-violence> and under “Safer Communities.” Each of these cities are charged with making a comprehensive plan and driving against that plan to reduce youth violence.

Operating Site: An operating site is the organization that manages the AmeriCorps program on behalf of the multi-state recipient of the grant from CNCS. A multi-state grantee must have an operating site in each state in which it has AmeriCorps members. AmeriCorps members may be placed at the operating site, or an operating site may place AmeriCorps members at multiple member service locations. Multi-focused intermediaries may also have operating sites.

CNCS anticipates that applicants have a carefully considered plan for their project implementation and have identified operating sites based on the demonstrated community needs. CNCS expects the sites proposed at the time of application to align with those involved in project implementation. However, if

necessary, an applicant can modify their list of operating sites during the clarification process or through an amendment to the application, if funded.

Opportunity youth: Opportunity youth are economically disadvantaged individuals ages 16-24 who are disconnected from school or work for at least six months prior to service. CNCS defines “economically disadvantaged” consistent with the definition used in the member development performance measures, “Receiving or meet the income eligibility requirements to receive: Temporary Aid to Needy Families (TANF), Food Stamps (SNAP), Medicaid, SCHIP, Section 8 housing assistance.” CNCS defines “disconnected from school or work” as unemployed, underemployed, and not in school for at least six months prior to their term of national service. A member who was not economically disadvantaged prior to becoming an AmeriCorps member, but became economically disadvantaged because the living allowance was low enough to make them eligible for SNAP, etc., cannot be counted as economically disadvantaged. In order to apply under this priority the applicant must demonstrate the programmatic elements they will implement in order to recruit and support opportunity youth as members and/or program beneficiaries, and a substantial portion of their requested MSYs must consist of or be devoted to serving opportunity youth.

Other Revenue: Funds necessary to operate an AmeriCorps program that are not CNCS funds or grantee share (match) identified in the budget. Programs should not enter the total operating budget for their organization unless the entire operating budget supports the AmeriCorps program. Programs that have additional revenue sources not included in the matching funds section of the budget should provide the amount of this additional revenue that supports the program. This amount should not include the CNCS or grantee share amounts in the budget. Fixed amount grantees should enter all non-CNCS funds that support the program in this field. All fixed grants will have other revenue.

Professional Corps: Professional Corps programs recruit and place qualified members in communities with an inadequate number of such professionals in positions as teachers, health care providers, police officers, engineers, or other professionals. Professional Corps members’ salaries are paid entirely by the organizations with which the members serve, and are not included in the budget. In order to be considered for funding, applicants must demonstrate that there are an inadequate number of professionals in the community (ies) where the program seeks to place members. These grants can either be fixed amount or cost reimbursement grants.

Prohibited Activities: While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or CNCS, staff and members may not engage in the following activities (see 45 CFR § 2520.65):

1. Attempting to influence legislation;
2. Organizing or engaging in protests, petitions, boycotts, or strikes;
3. Assisting, promoting, or deterring union organizing;
4. Impairing existing contracts for services or collective bargaining agreements;
5. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
6. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
7. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
8. Providing a direct benefit to— a. a business organized for profit; b. a labor union; c. a partisan political organization; d. a nonprofit organization that fails to comply with the restrictions contained in section

501(c)(3) of the Internal Revenue Code of 1986 related to engaging in political activities or substantial amount of lobbying except that nothing in these provisions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and e. an organization engaged in the religious activities described in paragraph C. 7. above, unless CNCS assistance is not used to support those religious activities;

9. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive;

10. Providing abortion services or referrals for receipt of such services; and

11. Such other activities as CNCS may prohibit.

AmeriCorps members may not engage in the above activities directly or indirectly by recruiting, training, or managing others for the primary purpose of engaging in one of the activities listed above. Individuals may exercise their rights as private citizens and may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using non-CNCS funds.

Promise Zones: Promise Zones are high poverty communities where the federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health and address other priorities identified by the community. Through the Promise Zone designation, these communities will work directly with federal, state and local agencies to give local leaders proven tools to improve the quality of life in some of the country's most vulnerable areas. The current promise zones are: Los Angeles, CA; South Los Angeles, CA; Sacramento, CA; San Diego, CA; Hartford, CT; Southwest Florida Regional Planning Commission, Atlanta, GA; Evansville, IN; Indianapolis, IN; Southeastern KY; Minneapolis, MN; St. Louis/St. Louis County, MO; Camden, NJ; Turtle Mountain Band of Chippewa Indians, Rolette County, North Dakota; Choctaw National of Oklahoma, Philadelphia, PA; Roosevelt Roads, Puerto Rico; Barnwell, SC; Low Country of South Carolina; Pine Ridge Indian Reservation of the Oglala Sioux Tribe; SD; Porcupine, SD; Nashville, TN; San Antonio, TX, Spokane Tribe of Indians, Washington.

Reducing and/or Preventing Prescription Drug and Opioid Abuse: CNCS is interested in any program models that seek to address the prescription drug and opioid abuse crisis in America.

Retention Rate: Retention rate is calculated as the number of members exited with education award (full or partial award) divided by the number of members enrolled.

Rural Communities: CNCS uses rural-urban commuting area (RUCA) codes to classify program addresses as either rural or urban for analytic purposes. RUCA codes classify U.S. census tracts using measures of population density, urbanization, and daily commuting. Census tracts with an urban cluster population less than 50,000 are considered rural (RUCA codes 4 – 10). Applicants are encouraged to designate themselves as serving rural communities if some or all service locations are in rural areas as defined by RUCA codes or if the program can provide other compelling evidence that the program is rural in the narrative portion of the application. This self-designation will be considered in grant-making decisions.

For more information about RUCA codes, please visit the USDA website found here:

<http://www.ers.usda.gov/data-products/rural-urban-commuting-area-codes.aspx>

The Office of Grants Management uses Beale Codes when assessing alternative match requirements as the statute (45 CFR 2521.60(c) requires it.

Safer communities: activities that focus on public safety, preventing and mitigating civil unrest, and/or partnerships between police and community. CNCS is looking for program models that create, support, and initiate activities that provide opportunities for law enforcement and community members to become constructively engaged in building or re building public spaces and opportunities for constructive

dialogue via sports and community team building such as block watch organizations. Some examples are summer programming or engaging communities that are part of The National Forum on Youth Violence Prevention and programs that are developed by the International Association of Chiefs of Police (IACP) (<http://www.iacp.org/Police-Foundations-Section>) such as programs that engage youth between the ages of 14-21 living in high crime areas of the city who have been identified as “leaders” in good and/or bad way. The youth are paired with School Resources Officers who meet with them several times during the week to engage them in a variety of leadership building exercises i.e., camping, rafting, community clean-up and much more.

Same Project: Two projects will be considered the same if they: Address the same issue areas, address the same priorities, address the same objectives, serve the same target communities and population, utilize the same sites.

Programs must get approval from their CNCS program officers to be considered a new project.

If an applicant is applying for a different program model (a new project), select New. Current and previous grantees need to get approval from their Program Officer to be considered a new project. CNCS will consider a project to be new if there is a meaningful difference between it and previous projects in a comparison of the following characteristics, among others: the objectives and priorities of the projects; the nature of the services provided; the program staff, participants, and volunteers involved; the geographic locations in which the services are provided; the populations served; and the proposed community partnerships. (§ 2522.340).

Requests for approval to be considered a new project should include information about how the new project differs from the previous project in the characteristics noted above. The request should also include the proposed name of the new project. CNCS staff will review the request to determine if the proposed project does represent a meaningful difference from the previous project or if the proposed project is an example of natural program evolution over time. If it is determined that the project is new, the Program Officer will create a new project in eGrants.

School Turnaround AmeriCorps: School Turnaround AmeriCorps is an initiative to place AmeriCorps members in schools implementing turnaround models under the Department of Education’s School Improvement Grants (SIG) program or turnaround principles under Elementary and Secondary Education Act (ESEA) flexibility to improve student academic performance, academic engagement, attendance outcomes, or some combination thereof, in eligible schools. School Turnaround AmeriCorps grantees must meet special program design requirements that are described in the Appendix. Applicants for a School Turnaround AmeriCorps program must provide high quality responses to special selection criteria, submit additional documents and demonstrate that they meet the special program design requirements. See Appendix for details.

Single-State Applicants: Organizations that propose to operate in only one state must apply through the Governor-appointed State or Territory Commissions. Each state and territory commission administers its own selection process and submits to CNCS the applicants it selects to compete for funding. Single-State applicants must contact their State Commissions to learn about their state or territory processes and deadlines which may be significantly *earlier* than the CNCS deadlines and may have additional requirements. The list of State and Territory Commissions can be found here: <http://www.nationalservice.gov/about/contact-us/state-service-commissions>.

A single state application submitted directly to CNCS by the applicant rather than the State Commission will be considered noncompliant and will not be reviewed.

Unallowable Activities: In addition to the *Prohibited Activities*, the following restrictions also apply to the service of AmeriCorps members:

Nonduplication.

Corporation assistance may not be used to duplicate an activity that is already available in the locality of a program. And, unless there is nondisplacement, Corporation assistance will not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency in which such entity resides.

Nondisplacement.

- (1) An employer may not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving Corporation assistance.
- (2) An organization may not displace a volunteer by using a participant in a program receiving Corporation assistance.
- (3) A service opportunity will not be created under this chapter that will infringe in any manner on the promotional opportunity of an employed individual.
- (4) A participant in a program receiving Corporation assistance may not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.
- (5) A participant in any program receiving assistance may not perform any services or duties, or engage in activities, that—
 - (i) Will supplant the hiring of employed workers; or
 - (ii) Are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.
- (6) A participant in any program receiving assistance may not perform services or duties that have been performed by or were assigned to any—
 - (i) Presently employed worker;
 - (ii) Employee who recently resigned or was discharged;
 - (iii) Employee who is subject to a reduction in force or who has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;
 - (iv) Employee who is on leave (terminal, temporary, vacation, emergency, or sick); or
 - (v) Employee who is on strike or who is being locked out.