**ASC Member Service Agreement Template Checklist**

The Member Service Agreement Template Checklist was developed by the ASC Monitoring Tool Review Panel to use as a monitoring tool to ensure your AmeriCorps State programs have all the requirements and best practices included as part of their member service agreements. You can edit this checklist as needed, provide it to your programs as a guide for developing their orientation agendas and use it as a monitoring tool.

With questions contact Rachel Bruns at rbruns@asc-online.org.

**Program Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Year: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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| **REQUIRED COMPONENTS** | **HAS** |
| **GENERAL** | Member start date and end date |  |
| Minimum required service hours to successfully complete term and be eligible for the education award |  |
| Other requirements (as developed by the grantee) necessary to successfully complete the term of service |  |
| Self-certification that the member has high school degree/GED/on track to obtain  |  |
| Education award amount for the term of service in which the individual is enrolling |  |
| Member benefit acknowledgment (living allowance, health care, childcare, loan forbearance / PSLF) |  |
| Code of conduct (standards developed by the grantee) & disciplinary policy |  |
| Suspension rules- including program specific and required suspensions |  |
| -individual who faces an official charge of a violent felony (e.g., rape, homicide) or sale or distribution of a controlled substance. (A member suspended under this clause can be reinstated if the individual is found not guilty or if the charge is dismissed.) |  |
| -individual who is convicted of possession of a controlled substance. (A member suspended under this clause can be reinstated only if they demonstrate the following: a. first offence, must enrolled in a drug rehabilitation program, b. convicted of more than one offense of possession, must have successfully completed a drug rehabilitation program.) |  |
| Termination rules, including the specific terms under which a member may be released for cause |  |
| NSCHC: acknowledgment, including exclusions from service |  |
| NSCHC: criminal findings consideration policy |  |
| Position description attached or incorporated by reference (indicating 2 or 3 part check) |  |
| Media/publicity/information release |  |
| Requirements under the Drug-Free Workplace Act |  |
| Logo on the document |  |
| AmeriCorps branding requirements for member |  |
| Written election/decline health care and child care |  |
| Loan forbearance information |  |
| Policy regarding limits on training and fundraising hours (45 CFR 2540.45 & 45 CFR 2540.50) |  |
| Civil rights non-discrimination requirements, complaint procedures, & rights of beneficiaries |  |
| Jury duty and leave policy/information |  |
| Information regarding program assistance in completing GED |  |
| Information on exiting, term of service and extending term |  |
| Prohibited activities (see full checklist below) |  |
| Grievance procedures (see full checklist below) |  |
| Name and contact information for site supervisor and placement site |  |
| Member signature & date |  |
| Program representative signature & date |  |
| **PROHIBITED ACTIVITIES** | 45 CFR§§ 2520.65. 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. |  |
| a. Attempting to influence legislation |  |
| b. Organizing or engaging in protests, petitions, boycotts, or strikes |  |
| c. Assisting, promoting or deterring union organizing |  |
| d. Impairing existing contracts for services or collective bargaining agreements |  |
| e. Engaging in partisan political activities or other activities designed to influence the outcome of an election to any public office |  |
| f. 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 |  |
| g. 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; |  |
| h. Providing a direct benefit to i. A business organized for profit; |  |
| ii. A labor union |  |
| iii. A partisan political organization |  |
| iv. A non-profit entity that fails to comply with 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; |  |
| v. An organization engaged in religious activities as described above (g), unless Corporation assistance is not used to support those religious activities |  |
| i. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive |  |
| j. Providing abortion services or referrals for receipt of such services |  |
| k. Such other activities as CNCS/ICVS 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. Individuals should not wear the AmeriCorps logo while doing so. |  |
| 45 CFR§§ 2520.40 AmeriCorps members may raise resources directly in support of your program's service activities. Examples of fundraising activities AmeriCorps members may perform include, but are not limited to, the following:(1) Seeking donations of books from companies and individuals for a program in which volunteers teach children to read;  |  |
| (2) Writing a grant proposal to a foundation to secure resources to support the training of volunteers; |  |
| (3) Securing supplies and equipment from the community to enable volunteers to help build houses for low-income individuals; |  |
| (4) Securing financial resources from the community to assist in launching or expanding a program that provides social services to the members of the community and is delivered, in whole or in part, through the members of a community-based organization; |  |
| (5) Seeking donations from alumni of the program for specific service projects being performed by current members. |  |
| AmeriCorps members may not: |  |
| (1) Raise funds for living allowances or for an organization's general (as opposed to project) operating expenses or endowment; |  |
| (2) Write a grant application to the Corporation or to any other Federal agency. |  |
| 45 CFR§§ 2520.45 An AmeriCorps member may spend no more than ten percent of his or her originally agreed-upon term of service, as reflected in the member enrollment in the National Service Trust, performing fundraising activities  |  |
| The grantee must ensure that it does not exceed the limitation on member service hours spent in education and training set forth in 45 CFR § 2520.50.  |  |
| Nonduplication language (program responsibility): 45 CFR §§ 2540.100 (e) *Nonduplication.* Corporation assistance may not be used to duplicate an activity that is already available in the locality of a program. And, unless the requirements of paragraph (f) [nondisplacement] of this section are met, 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 language (program responsibility): 45 CFR §§ 2540.100 (f) *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 under this chapter 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 under this chapter 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. |  |
| **GRIEVANCE PROCEDURES** | *Suspension of placement.* If a grievance is filed regarding a proposed placement of a participant, such placement must not be made unless the placement is consistent with the resolution of the grievance. |  |
| *Suspension of service.* Pending resolution of grievance filed due to release for cause, member’s service is suspended. |  |
| Alternative Dispute Resolution (ADR) such as mediation or facilitation– optional |  |
| Initiated within 45 days of occurrence |  |
| Initial session member notified in writing of opp. to file grievance & right to arbitration |  |
| Aided by neutral party who may not compel a resolution |  |
| Informal process, no rules of evidence |  |
| Confidential and not binding unless both parties agree |  |
| If written agreement made, member will forego filing formal grievance |  |
| If not resolved within 30 days, neutral party must again inform member of right to file a formal grievance |  |
| Formal Grievance Procedure (FGP) |  |
| Grievance must be made no later than one year after the alleged occurrence unless alleging criminal activity |  |
| Hearing must be held no later than 30 days after the filing |  |
| Decision made within 60 days of filing |  |
| Neutral facilitator from ADR may not participate in FGP |  |
| No communication or proceedings from ADR will be used in FGP |  |
| Arbitration |  |
| If adverse decision against member or no decision reached after 60 days, the member may submit the grievance to binding arbitration |  |
| The arbitrator is jointly selected and independent of the parties |  |
| If parties cannot agree within 15 days, the CNCS will appoint from a list of qualified arbitrators |  |
| Arbitration proceeding must be held no later than 45 days or 30 days after the appointment by the CNCS |  |
| Decision must be made by arbitrator within 30 days after the arbitration proceedings begin |  |
| The cost of arbitration must be divided evenly by the parties, unless the member prevails |  |
| If the member prevails, the program will pay the total cost of the proceeding and the member’s attorney’s fees  |  |
| **COMMENTS** |  |

**Reviewed by: ­­­­­­­­­­­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**