



Allowable Member Activities

Racial Equity

This guide is intended to assist AmeriCorps programs and their members with identifying potential allowable activities for members to engage in as part of their AmeriCorps service related to diversity, equity, and inclusion (DEI). This guide has been adapted from the “Chart Decision Making Allowable Activities for COVID-19” that was released in March 2020 for state service commissions to assist AmeriCorps programs in adapting their programs to the unique circumstances of the pandemic, including identifying new allowable service activities and adjusting their activities for teleservice.

Throughout the summer of 2020, many AmeriCorps members have expressed interest in addressing issues related to racial injustice and equity. ASC believes AmeriCorps programs have a role in addressing issues of racial inequity and injustice. That being said, AmeriCorps is a federal program and there are limits on the types of activities AmeriCorps members can engage in depending on their program design and approved grant. This guide is intended to help programs identify allowable activities and provides a starter list of resources that AmeriCorps programs may find helpful on civic reflection and articles/videos addressing racial injustice.

We acknowledge that the White House has released an executive order limiting the types of training that may relate to this topic. While we await further information from the AmeriCorps federal agency, we are confident that commissions and their programs are not conducting training that is in violation of this executive order. As we await further federal guidance, we encourage programs to continue facilitating appropriate training and support to their members, as allowed by the executive order. AmeriCorps programs should avoid training paid for with federal funds that may promote the concepts list in [Section 5 of the of executive order](#).

ASC staff are available to discuss the contents of this guide with any commissions and programs by contacting us at info@statecommissions.org.



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IDEAS of ALLOWABLE ACTIVITIES

The following are a list of potential activities AmeriCorps members **could** participate in as part of their service. The caveat to these is to make sure the program has an understanding of allowable vs. unallowable activities (detailed further below) to make sure they are not straying from the approved grant activities. If something the program or a member wants to do is not an allowable activity, the program may need to request approval for changes to approved grant activities (also detailed further below). We think most of the activities listed below could fit within most program's existing member service position descriptions.

- Facilitate civic reflection and discussion about how racial injustice impacts their service and/or community
- Develop curriculum, facilitate training/education, conduct research or outreach on racial disparities or discrimination impacting the communities they serve (as relevant to their grant activities)
- Research and make recommendations to the program/organization about steps it can take to make the AmeriCorps program more welcoming, inclusive, and respectful to all; provide review/recommendations of the sites/programs recruitment practices; and other recommendations that would/could improve the organization's outreach and/or services
- Create care kits and/or messages of support for community members who have been impacted by recent racial injustice, discrimination, or inequities (i.e., one-off Day of Service activity, assuming this is part of your approved allowable grant activities)
- Seek out, participate in, and/or facilitate training on non-discrimination, racial injustice, and social inequities relevant to their service. Programs could invite a local presenter from the local/state NAACP chapter, city/state human rights commission, etc. to talk about human rights and discrimination issues in their state/community.



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PROHIBITED ACTIVITIES

It is important to remember that AmeriCorps members and staff charged to the grant (both Grantee share and CNCS share) CANNOT under any circumstance participate in any of the prohibited AmeriCorps activities ***while earning hours or perceived to be earning grant-funded hours***. Additionally, members cannot recruit and/or manage volunteers to do any of the activities on the prohibited activities list.

A list of these prohibited activities can be found at https://www.ecfr.gov/cgi-bin/text-idx?SID=f11e85460f6d0f8966e318fa1740fe33&mc=true&node=se45.5.2520_165&rgn=div8.

Given the significant amount of protests taking place it is important to highlight the prohibited activity: *“(2) Organizing or engaging in protests, petitions, boycotts, or strikes.”*

AmeriCorps members must not wear AmeriCorps gear or logos when participating in prohibited events on their own time as private citizens. Doing so can lead to a perception that members are engaged in the prohibited activity while representing the AmeriCorps program or while earning service hours.

While the activities listed in the link above are prohibited during AmeriCorps service, individuals have the right to participate in any of these activities on their own time as private citizens.



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UNALLOWABLE ACTIVITIES

Following is a list of activities that are considered **unallowable**. Please note that certain activities have an asterisk by them which means there are temporary adjustments that have been made based on the current AmeriCorps agency guidance related to the coronavirus.

Unallowable activities are those activities that **fall outside the scope** of the *approved grant*, performance measures, and position description.

If a program wants to change the approved grant and/or position description to include activities addressing racial injustice, they must get approval from their state service commission. See page 5 for steps on how to request this change.

- ☐ Any activities that will result in member training that ***exceeds the 20 percent aggregate rule are unallowable***. [45 CFR § 2520.50 How much time may AmeriCorps members in my program spend in education and training activities?](#) (a) No more than 20 percent of the aggregate of all AmeriCorps member service hours in your program, as reflected in the member enrollments in the National Service Trust, may be spent in education and training activities. (b) Capacity-building activities and direct service activities do not count towards the 20 percent cap on education and training activities.
- ☐ Federal and State Assistance that serves as the sole activity of a member is unallowable – “for the **sole purpose of referring individuals to Federal assistance programs or State assistance programs** funded in part by the Federal Government.”
- ☐ Activities that would **violate the non-duplication and non-displacement requirements are unallowable**:
 - 1) Nonduplication – 45 CFR §2540.100 (e)
 - 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) of this section are met, Corporation assistance will not be provided to a private



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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.

2) Nondisplacement – 45 CFR § 2540.100 (f)

- 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.
- An organization **may not displace a volunteer** by using a participant in a program receiving Corporation assistance.
- A service opportunity will **not** be created under this chapter that will **infringe in any manner on the promotional opportunity** of an employed individual.
- 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.
- A participant in any program receiving assistance under this chapter **may not** perform any services or duties, or engage in activities, that—
 - Will **supplant the hiring of employed workers**; or
 - Are services, duties, or activities with respect to which an individual **has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures**.
- 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—**
 - Presently employed worker;
 - Employee who recently resigned or was discharged;



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- Employee who is subject to a reduction in force or who has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;
 - Employee who is on leave (terminal, temporary, vacation, emergency, or sick); or
 - Employee who is on strike or who is being locked out.
- ☐ **Using Team Leaders in a staff capacity** i.e., supervising members, program development and coordination, signing member timesheets, evaluating member performance, disciplining AmeriCorps members, enrolling/dismissing AmeriCorps members, writing and/or signing program reports, managing the program's payroll and budget, to name a few; is unallowable
 - ☐ **Raise funds for living allowances or for an organization's general** (as opposed to project) **operating expenses or endowment**; is unallowable
 - ☐ **Write a grant application** to the Corporation or to any other **Federal agency**; is unallowable
 - ☐ Spend **more than 10%** of term of service performing **fundraising activities** – focused ONLY on raising resources directly in support of AmeriCorps program service activities is unallowable; and
 - ☐ Such **other activities as CNCS may determine** unallowable.



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CHANGING THE GRANT AND POSITION DESCRIPTION / DUE DILIGENCE

If the program decides it needs to make changes to the grant and position descriptions:

- 1) Programs will need to notify their state service commission that they would like to amend their grant and/or position description to include the new (or revised) member activities. Commissions can approve these changes for formula subgrantees (if they are not prohibited or unallowable). Commissions will need approval from their AmeriCorps portfolio manager for competitive subgrantees.
- 2) If/when the commission approves, develop an amendment with new and approved member activities and/or training (approved by AmeriCorps portfolio manager), that is electronically signed by the member and Program Director through a true electronic signature mechanism (i.e., DocuSign, HelloSign, ever sign, etc.) that is attached to the currently signed MSA and position descriptions.
- 3) Hold a webinar that you record so you can provide new guidance to your members (you can use free conference call or zoom at no cost).
- 4) Provide written guidance that was discussed on webinar.

Remember – the **definition of due diligence** is: reasonable steps taken by a person in order to satisfy a legal requirement; the care that a reasonable person exercises to avoid harm.



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Racial Injustice Resources

ASC strongly recommends programs incorporate civic reflection into their AmeriCorps member service activities. You can find additional information and resources on facilitating civic reflection at <https://civicreflection.org/>. ASC has hosted several webinars and workshops on civic reflections in the past for additional resources. [Linked here](#) is one example of a past civic reflection workshop.

The following is a list of resources/articles/podcasts related to racial injustice that may be helpful for AmeriCorps programs to explore with AmeriCorps members. This is not an exhaustive list.

- Scaffolded Anti-Racism: <https://docs.google.com/document/u/0/d/1PrAq4iBNb4nVlCtSLcNIW8zjaQXBLkWayL8EaPlh0bc/mobilebasic>.
- Serve Wisconsin hosted a webinar on “Racial Injustice and Inequity” with Dr. Alex Gee the host of the podcast “Black Life Me” for AmeriCorps members. The webinar was recorded and can be viewed here: <https://www.youtube.com/watch?v=3Do2pPctmcw&t=1s>
- 1619 Project: <https://www.nytimes.com/interactive/2019/08/14/magazine/black-history-american-democracy.html?smid=pl-share>
- Podcast: Who Belongs? <https://belonging.berkeley.edu/whobelongs/tu>
- Podcast: Nice White Parents <https://www.nytimes.com/column/nice-white-parents>
- Creating a Liberatory Consciousness: <https://drive.google.com/file/d/1eOUUfgH-BiX5FinHTGZco3ffvwCwg1A/view>
- Cycle of Liberation: <https://drive.google.com/file/d/1m4caqfLD135YyuCbgfplPvcIJloMNFq0/view>
- Center for Racial Justice: <https://centerracialjustice.org/resources/black-history-month-resource-guide-for-educators-and-families/>
- National Education Association (NEA): <https://neadjustice.org/black-lives-matter-school-resources/>
- Teaching Tolerance: <https://www.tolerance.org/moment/racism-and-police-violence>



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- Edutopia: <https://www.edutopia.org/blog/build-an-anti-racist-classroom-joshua-block>
- NonprofitHR webinar (you can access the recording by registering) on Talent Attraction & Diverse Recruitment Practices in Nonprofits
https://www.nonprofithr.com/event/realities-talent-attraction-diverse-recruitment-practices-in-nonprofits/?instance_id=294
- Operationalizing Equity in Volunteer Engagement (blog by Sue Carter Kahl): <https://www.volunteercommons.com/2020/08/28/operationalizing-equity-in-volunteer-engagement/>
- Fighting Racism Through Diverse and Inclusive Volunteer Engagement Programming Part 2 (blog by Jerome Tennille) <https://www.jerometennille.com/post/fighting-racism-through-diverse-and-inclusive-volunteer-engagement-programming-part-2-of-2>
- The Delta Vision: Building Capacity for and by Communities of Color: http://livingwellkent.org/wp-content/uploads/2018/09/NAC_Delta_FullReport_DRAFT12_web.pdf
- SSIR article on "Transformational Capacity Building": https://ssir.org/articles/entry/transformational_capacity_building
- Article on "Nonprofit and Philanthropy and Our Bad Habit of Both Siding Inequity and Injustice" (blog by Vu Le): <https://nonprofitaf.com/2020/08/nonprofit-and-philanthropy-and-our-bad-habit-of-both-siding-inequity-and-injustice/>
- The Wassmuth Center for Human Rights has a Human Rights Certification that is available online for \$35. It is a six-hour training that is broken out into 10 minute lessons that can be done on demand. More details can be found at <https://wassmuthcenter.org/human-rights-education/idaho-human-rights-community/engage/human-rights-certification/>.

If your program is looking for trainers, ASC has a TTA Directory of qualified training consultants available online for your reference: <https://www.statecommissions.org/tta-directory>.