
**APPROVED ORGANIZATIONAL STANDARDS
(FIELD ASSESSMENT GUIDE)**

Field Assessment Guide - Federal Fiscal Year 2016

Agricultural and Labor Program, Inc.

Contact : Deloris Johnson Phone : (863) 956-3491

Date Submitted : 3/5/2016 Email : DJohnson@alpi.org

Standard Number	Standard Description	Documents			Standard Status
MAXIMUM FEASIBLE PARTICIPATION - Category 1: Consumer Input and Involvement					
		Name of Document	Page(s)	Document Approval Date	
1.1	The department demonstrates low-income individuals' participation in its activities.	Standards 1.1.pdf	Consent Agenda & Adv	11/22/2015	Approved
1.2	The department analyzes information collected directly from low-income individuals as part of the community assessment.	Standards 1.2.pdf	1-46 & 1-4	12/4/2014	Approved
1.3	The department has a systematic approach for collecting, analyzing, and reporting customer satisfaction data to the governing board.	Standards 1.3.pdf	3, 9-17 & 1-4 & 1-3	12/4/2014	Approved
MAXIMUM FEASIBLE PARTICIPATION - Category 2: Community Engagement					
		Name of Document	Page(s)	Document Approval Date	
2.1	The department has documented or demonstrated partnerships across the community, for specifically identified purposes; partnerships include other anti-poverty organizations in the area.	Standards 2.1 part 1.pdf	Contract & List, IS	3/1/2015	Approved
2.1	The department has documented or demonstrated partnerships across the community, for specifically identified purposes; partnerships include other anti-poverty organizations in the area.	Standards 2.1 part 2.pdf	Contracts List, IS S	3/1/2015	Approved
2.2	The department utilizes information gathered from key sectors of the community in assessing needs and resources, during the community assessment process or other times. These sectors would include at minimum: community-based organizations, faith-based organizations, private sector, public sector, and educational institutions.	Standards 2.2.pdf	1-46 & mailing list	12/4/2014	Approved
2.3	The department communicates its activities and its results to the community.	Standards 2.3 part 1.pdf	Annual Report, Newsl	1/24/2015	Approved
2.3	The department communicates its activities and its results to the community.	Standards 2.3 part 2.pdf	Annual Report, Newsl	1/24/2015	Approved
2.4	The department documents the number of volunteers and hours mobilized in support of its activities.	Standards 2.4.pdf	NPI 2.3B & Sign in S	9/1/2015	Approved
MAXIMUM FEASIBLE PARTICIPATION - Category 3: Community Assessment					
		Name of Document	Page(s)	Document Approval Date	
3.1	The department conducted or was engaged in a community assessment and issued a report within the past 3 years, if no other report exists.	Standards 3.1.pdf	Completed CNA date,	12/4/2014	Approved
3.2	As part of the community assessment, the department collects and includes current data specific to poverty and its prevalence related to gender, age, and race/ethnicity for their service area(s).	Standards 3.2 part 1.pdf	CNA pgs. 7-8, CAP PI	12/4/2014	Approved
3.2	As part of the community assessment, the department collects and includes current data specific to poverty and its prevalence related to gender, age, and race/ethnicity for their service area(s).	Standards 3.2 part 2.pdf	CNA pgs. 7-8, back u	12/3/2014	Approved
3.3	The department collects and analyzes both qualitative and quantitative data on its geographic service area(s) in the community assessment.	Standards 3.3.pdf	9-41 & Planning Comm	12/4/2014	Approved
3.4	The community assessment includes key findings on the causes and conditions of poverty and the needs of the communities assessed.	Standards 3.4 part 1.pdf	CNA 9-41 & CAA Plan	12/3/2014	Approved
3.4	The community assessment includes key findings on the causes and conditions of poverty and the needs of the communities assessed.	Standards 3.4 part 2.pdf	CNA 9-41 & CAA plan	12/3/2014	Approved
3.5	The tripartite board/advisory body formally accepts the completed community assessment.	Standards 3.5.pdf	Board Min. April 26,	4/26/2014	Approved
VISION AND DIRECTION - Category 4: Organizational Leadership					
		Name of Document	Page(s)	Document Approval Date	
4.1	The tripartite board/advisory body has reviewed the department's mission statement within the past 5 years and assured that: 1. The mission addresses poverty; and 2. The CSBG programs and services are in alignment with the mission.	Standards 4.1.pdf	Goals 1, 3 & 5 & Mis	11/22/2015	Approved

4.2	The department's Community Action plan is outcome-based, anti-poverty focused, and lies directly to the community assessment.	Standards 4.2.pdf	1-26 & CSBG 2016 Wor	8/10/2015	Approved
4.3	The department's Community Action plan and strategic plan document the continuous use of the full ROMA cycle. In addition, the organization documents having used the services of a ROMA-certified trainer (or equivalent) to assist in implementation.	Standards 4.3 part 1.pdf	2 ROMA Certs., Strat	2/3/2015	Approved
4.3	The department's Community Action plan and strategic plan document the continuous use of the full ROMA cycle. In addition, the organization documents having used the services of a ROMA-certified trainer (or equivalent) to assist in implementation.	Standards 4.3 part 2.pdf	2 ROMA certs., Strat	2/3/2015	Approved
4.4	The tripartite board/advisory body receives an annual update on the success of specific strategies included in the Community Action plan.	Standards 4.4.pdf	1-27 * Board Mins No	8/10/2015	Approved
4.5	The department adheres to its local government's policies and procedures around interim appointments and processes for filling a permanent vacancy.	Standards 4.5.pdf	Board Mins. & Powerp	4/30/2011	Approved
4.5	The department adheres to its local government's policies and procedures around interim appointments and processes for filling a permanent vacancy.	Standards 4.5 part 2.pdf	Succession Plan	4/1/2011	Approved
4.6	The department complies with its local government's risk assessment policies and procedures.	Standards 4.6 part 1.pdf	Personnel, Fiscal Po	1/1/2015	Approved
4.6	The department complies with its local government's risk assessment policies and procedures.	Standards 4.6 part 2.pdf	Personnel, Fiscal Po	1/1/2015	Approved

VISION AND DIRECTION - Category 5: Board Governance

		Name of Document	Page(s)	Document Approval Date	
5.1	The department's tripartite board/advisory body is structured in compliance with the CSBG Act: 1. At least one third democratically-selected representatives of the low income community comprised of low income individuals who reside in the area(s) served; 2. With one-third local elected officials (or their representatives); and 3. The remaining membership from major groups and interests in the community.	Standards 5.1.pdf	Board Mins, Bylaws,	9/27/2014	Approved
5.2	The department's tripartite board/advisory body has written procedures that document a democratic selection process for low-income board members adequate to assure that they are representative of the low-income community in the area(s) served.	Standards 5.2 part 1.pdf	Board, Advisory Poli	2/28/2015	Approved
5.2	The department's tripartite board/advisory body has written procedures that document a democratic selection process for low-income board members adequate to assure that they are representative of the low-income community in the area(s) served.	Standards 5.2 part 2.pdf	Board, Advisory Poli	2/28/2015	Approved
5.3	Review of bylaws by an attorney is outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.	Standards 5.3.pdf	Bylaws & Invoices	6/27/2015	Approved
5.4	The department documents that each tripartite board/advisory body member has received a copy of the governing documents, within the past 2 years.	Standards 5.4.pdf	Shared Governance Ag	2/28/2015	Approved
5.5	The department's tripartite board/advisory body meets in accordance with the frequency and quorum requirements and fills board vacancies as set out in its governing documents.	Standards 5.5.pdf	Board Roster & Bylaw	2/1/2016	Approved
5.6	Each tripartite board/advisory body member has signed a conflict of interest policy, or comparable local government document, within the past 2 years.	Standards 5.6.pdf	Pg. 2-3 & sign in sh	2/28/2015	Approved
5.7	The department has a process to provide a structured orientation for tripartite board/advisory body members within 6 months of being seated.	Standards 5.7 part 1.pdf	Board, Advisory Poli	2/28/2015	Approved
5.7	The department has a process to provide a structured orientation for tripartite board/advisory body members within 6 months of being seated.	Standards 5.7 part 2.pdf	Board, Advisory Poli	2/28/2015	Approved
5.8	Tripartite board/advisory body members have been provided with training on their duties and responsibilities within the past 2 years.	Standards 5.8.pdf	Shared Governance Ag	2/28/2015	Approved
5.9	The department's tripartite board/advisory body receives programmatic reports at each regular board/advisory meeting.	Standards 5.9.pdf	Shared Governance Ag	2/28/2015	Approved

VISION AND DIRECTION - Category 6: Strategic Planning

		Name of Document	Page(s)	Document Approval Date	
6.1	The department has a strategic plan, or comparable planning document, in place that has been reviewed and accepted by the tripartite board/advisory body within the past 5 years. If the department does not have a plan, the tripartite board/advisory body will develop the plan.	Standards 6.1.pdf	Strategic Plan and B	11/22/2015	Approved
6.2	The approved strategic plan, or comparable planning document, addresses reduction of poverty, revitalization of low-income communities, and/or empowerment of people with low incomes to become more self-sufficient.	Standards 6.2.pdf	Board Min. Strategic	11/22/2015	Approved

6.3	The approved strategic plan, or comparable planning document, contains family, agency, and/or community goals.	Standards 6.3.pdf	Strategic Plan and B	11/22/2015	Approved
6.4	Customer satisfaction data and customer input, collected as part of the community assessment, is included in the strategic planning process, or comparable planning process.	Standards 6.4.pdf	Strategic Plan and C	11/22/2015	Approved
6.5	The tripartite board/advisory body has received an update(s) on progress meeting the goals of the strategic plan/comparable planning document within the past 12 months.	Standards 6.5.pdf	Strategic Plan, Shar	2/28/2015	Approved

OPERATIONS AND ACCOUNTABILITY - Category 7: Human Resource Management

		Name of Document	Page(s)	Document Approval Date	
7.1	Local governmental personnel policies are outside of the purview of the department and the tripartite board/ advisory body, therefore this standard does not apply to public entities.	Standards 7.1 part 1.pdf	Personnel Policies a	2/28/2015	Approved
7.1	Local governmental personnel policies are outside of the purview of the department and the tripartite board/ advisory body, therefore this standard does not apply to public entities.	Standards 7.1 part 2.pdf	Personnel Policies a	2/28/2015	Approved
7.1	Local governmental personnel policies are outside of the purview of the department and the tripartite board/ advisory body, therefore this standard does not apply to public entities.	Standards 7.1 part 3.pdf	Personnel Policies a	2/28/2015	Approved
7.1	Local governmental personnel policies are outside of the purview of the department and the tripartite board/ advisory body, therefore this standard does not apply to public entities.	Standards 7.1 part 4.pdf	Personnel Policies a	2/28/2015	Approved
7.2	The department follows local governmental policies in making available the employee handbook (or personnel policies in cases without a handbook) to all staff and in notifying staff of any changes.	Standards 7.2.pdf	Employee Handbook an	1/1/2015	Approved
7.3	The department has written job descriptions for all positions. Updates may be outside of the purview of the department.	Standards 7.3.pdf	Samples of Job Descr	7/1/2015	Approved
7.3	The department has written job descriptions for all positions. Updates may be outside of the purview of the department.	ALPI_OS 7.3_proof of updated PDs.msg.pdf	All	8/20/2015	Approved
7.4	The department follows local government procedures for performance appraisal of the department head.	Standards 7.4.pdf	Board Min., and CEO	11/22/2015	Approved
7.5	The compensation of the department head is made available according to local government procedure.	Standards 7.5.pdf	Board Min., CEO Eval	11/22/2015	Approved
7.6	The department follows local governmental policies for regular written evaluation of employees by their supervisors.	Standards 7.6.pdf	Performance Policy N	7/1/2015	Approved
7.7	The department provides a copy of any existing local government whistleblower policy to members of the tripartite board/advisory body at the time of orientation.	Standards 7.7.pdf	Policy No. 295 and B	7/1/2011	Approved
7.8	The department follows local governmental policies for new employee orientation.	Standards 7.8 part 1.pdf	Policy No. 225, Time	7/1/2015	Approved
7.8	The department follows local governmental policies for new employee orientation.	Standards 7.8 part 2.pdf	Policy No. 225, Time	7/1/2015	Approved
7.8	The department follows local governmental policies for new employee orientation.	Standards 7.8 part 3.pdf	Policy No. 225, Time	7/1/2015	Approved
7.9	The department conducts or makes available staff development/training (including ROMA) on an ongoing basis.	Standards 7.9.pdf	Policy No. 600, and	7/1/2015	Approved

OPERATIONS AND ACCOUNTABILITY - Category 8: Financial Operations and Oversight

		Name of Document	Page(s)	Document Approval Date	
8.1	The department's annual audit is completed through the local governmental process in accordance with Title 2 of the Code of Federal Regulations, Uniform Administrative Requirements, Cost Principles, and Audit Requirement (if applicable) and/or State audit threshold requirements. This may be included in the municipal entity's full audit.	Standards 8.1.pdf	Complete Audit	6/30/2015	Approved
8.2	The department follows local government procedures in addressing any audit findings related to CSBG funding.	Standards 8.2.pdf	Audit & Board Min	6/30/2015	Approved
8.3	The department's tripartite board/advisory body is notified of the availability of the local government audit.	Standards 8.3.pdf	Audit and Board Min	6/30/2015	Approved
8.4	The department's tripartite board/advisory body is notified of any findings related to CSBG funding.	Standards 8.4.pdf	Board Min	11/22/2015	Approved
8.5	The audit bid process is outside of the purview of tripartite board/advisory body therefore this standard does not apply to public entities.	Standards 8.5.pdf	Procument & 3 bids	4/13/2012	Approved
8.6	The Federal tax reporting process for local governments is outside of the purview of tripartite board/advisory body therefore this standard does not apply to public entities.	Standards 8.6 part 1.pdf	990 Form	11/13/2015	Approved

8.6	The Federal tax reporting process for local governments is outside of the purview of tripartite board/advisory body therefore this standard does not apply to public entities.	Standards 8.6 part 2.pdf	990 form	11/13/2015	Approved
8.7	The tripartite board/advisory body receives financial reports at each regular meeting, for those program(s) the body advises, as allowed by local government procedure.	Standards 8.7.pdf	Agencywide budget	10/22/2015	Approved
8.8	The payroll withholding process for local governments is outside of the purview of the department, therefore this standard does not apply to public entities.	Standards 8.8 part 1.pdf	Payroll tax, insuran	12/21/2015	Approved
8.8	The payroll withholding process for local governments is outside of the purview of the department, therefore this standard does not apply to public entities.	Standards 8.8 part 2.pdf	payroll, retirement,	12/21/2015	Approved
8.9	The tripartite board/advisory body has input as allowed by local governmental procedure into the CSBG budget process.	Standards 8.9.pdf	Agencywide budget, b	2/5/2016	Approved
8.10	The fiscal policies for local governments are outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.	Standards 8.10 part 1.pdf	Fiscal Policy, Board	7/1/2015	Approved
8.10	The fiscal policies for local governments are outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.	Standards 8.10 part 2.pdf	Fiscal Policies and	7/1/2015	Approved
8.11	Local governmental procurement policies are outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.	Standards 8.11.pdf	Procurement policy a	4/26/2013	Approved
8.12	A written cost allocation plan is outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.	Standards 8.12.pdf	Allocation Plan and	12/29/2015	Approved
8.13	The department follows local governmental policies for document retention and destruction.	Standards 8.13.pdf	Fiscal Policy page.	7/1/2015	Approved

OPERATIONS AND ACCOUNTABILITY - Category 9: Data and Analysis

		Name of Document	Page(s)	Document Approval Date	
9.1	The department has a system or systems in place to track and report client demographics and services customers receive.	Standards 9.1 part 1.pdf	IS Survey, CMTools M	9/30/2015	Approved
9.1	The department has a system or systems in place to track and report client demographics and services customers receive.	Standards 9.1 part 2.pdf	IS Survey, CMTools,	9/30/2015	Approved
9.1	The department has a system or systems in place to track and report client demographics and services customers receive.	Standards 9.1 part 3.pdf	IS Survey, CMTools,	9/30/2015	Approved
9.2	The department has a system or systems in place to track family, agency, and/or community outcomes.	Standards 9.2.pdf	CMTools, Workplan, I	9/30/2015	Approved
9.3	The department has presented to the tripartite board/advisory body for review or action, at least within the past 12 months, an analysis of the agency's outcomes and any operational or strategic program adjustments and improvements identified as necessary.	Standards 9.3.pdf	Strategic plan, boar	12/14/2015	Approved
9.4	The department submits its annual CSBG information Survey data report and it reflects client demographics and CSBG-funded outcomes.	Standards 9.4.pdf	IS Survey and back u	9/30/2015	Approved

DEO MONITORING REPORT

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

April 28, 2016

Ms. Deloris Johnson
Chief Executive Director
Agricultural and Labor Program, Inc.
Post Office Box 3126
Winter Haven, Florida 33885

Re: Community Services Block Grant Agreement No.14SB-0D-07-63-08-001
Community Services Block Grant Agreement No.15SB-0D-07-63-08-001
Low Income Home Energy Assistance Program Agreement No. 13EA-0F-07-63-08-001
Low Income Home Energy Assistance Program Agreement No. 14EA-0F-07-63-08-001
Low Income Home Energy Assistance Program Agreement No. 15EA-0F-07-63-08-001

Dear Ms. Johnson:

On April 15, 2016 DEO received your agency's response to the monitoring report for the visit of February 8-12, 2016. The enclosed report is DEO's final response to the information you provided. Your response to the findings and concerns identified in the report have been accepted and will be incorporated as part of the permanent agreement files.

If you have any questions or concerns, please contact Mr. Jerry Durbin by email gerald.durbin@deo.myflorida.com or at (850) 717-8458.

Sincerely,

A handwritten signature in black ink that reads 'Paula Lemmo'. The signature is written in a cursive, flowing style.

Paula Lemmo, Bureau Chief
Division of Community Development

PL/jd

Enclosure: Department's Monitoring Report Response

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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**DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)
MONITORING REPORT RESPONSE**

April 28, 2016

SUBRECIPIENT: Agricultural and Labor Program, Inc.

CONTRACTS: Community Services Block Grant Program
Agreement No: 14SB-0D-07-63-08-001
15SB-0D-07-63-08-001

Low-Income Home Energy Assistance Program
Agreement No: 13EA-0F-07-63-08-001
14EA-0F-07-63-08-001
15EA-0F-07-63-08-001

MONITORING DATES: February 8-12, 2016

EXIT CONFERENCE ATTENDED BY:

Representing the Subrecipient:

Deloris Johnson, Chief Executive Director
Twila Smith, Operations & Quality Control Department Director
Christine Samuel, Human Resources Department Director
Dennis Gniewek, Budget & Financial Department Director
Al Miller, Division Deputy Director
PaHoua Lee-Yang, CSBG/Economic Development Department
Director
Cheryl Burnham, LIHEAP/Community Services Department
Director

Representing DEO:

Gerald Durbin, Government Operations Consultant II
Bonnie Ayers, Government Operations Consultant II

RESPONSE TO THE MONITORING REPORT

I. ADMINISTRATIVE OPERATIONS

The following areas of administrative operations pertaining to the actions of the community action board were reviewed: board meeting minutes for the period of October 2013 through September 2015; board attendance; current roster; board meeting packages; by-laws; personnel policies; administrative policies; personnel files and payroll.

The Subrecipient is to be commended on their board files. They were well organized and all board seats were filled.

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Finding#1: Noncompliance with Public Records Request (LIHEAP and CSBG)

Per Grant Agreement Section (6) Information Release and Public Records Requirements “Recipient shall notify DEO of the receipt and content of such request by sending an e-mail to PRRequest@deo.myflorida.com within one (1) business day from receipt of such request.” A Public records request was not reported within the allotted timeframe to DEO. Any settlement funds may not be charged to the grant.

Corrective Action:

The Subrecipient must report all public record requests within twenty-four hours of the request being received. As a response to this finding, the Subrecipient must provide DEO with their policy to report public record requests within the required timeframe.

Subrecipient’s Response and Action:

The Executive Committee of ALPI has approved a “Public Records Request Policy and Procedure” (Attachment A) that addresses the proper handling of all future requests. The procedure will be presented to the Board of Directors for final approval on April 23, 2016.

DEO’s Response:

The Subrecipient’s response is accepted.

II. FISCAL OPERATIONS

The following areas of fiscal operations were reviewed for the CSBG and LIHEAP programs: revenue and expense statements; cost allocation methodology; general ledger trial balances and spreadsheets; personnel expenses; transaction analysis; check requisitions and accompanying documents; financial trends.

It should also be noted that the Subrecipient has made improvements in their financial department to ensure reports are received in a timely manner in the future.

Finding #2: Noncompliance with Reporting Requirements (LIHEAP and CSBG):

According to the Subrecipient’s LIHEAP and CSBG Agreements, Attachment C, monthly Financial Status Reports (FSR’s) are due by the 21st day of each month for expenses reported from the previous month or the next business day if the 21st falls on a weekend or holiday. In addition, the “Quarterly Florida Outcomes for Community Assistance Services (FOCAS) Reports and the LIHEAP Household Quarterly Program Report shall be provided to DEO no later than twenty-one calendar days following the end of the quarter.” During the FY 2014 LIHEAP and CSBG Agreement period, the following reports were received late:

LIHEAP FSR’s

- June 2013- Submitted July 24, 2013
- September 2013- Submitted October 28, 2013
- December 2013- Submitted January 22, 2014

CSBG FSR’s:

- October 2013- Submitted November 26, 2013
- November 2013- Submitted December 26, 2013

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December 2013- Submitted January 22, 2014

April 2014-Submitted May 23, 2014

June 2015-Submitted July 22, 2015

LIHEAP Quarterly Report

2nd Quarter HH Report for July-September 2013- Submitted October 23, 2013

1st Quarter HH Report for April-June 2014- Submitted August 25, 2014

3rd Quarter HH Report for October-December 2015- Submitted October 25, 2015

Corrective Action:

As a response to this finding, the Subrecipient must provide DEO with its policy for ensuring future compliance with programmatic reporting. Please note that the programmatic reports not submitted in compliance with your agreement could result in a finding of material weakness during the Subrecipient's OMB Single Audit review.

Subrecipient's Response and Action:

In order to assure future compliance with programmatic reporting requirements, ALPI is implementing the following procedures for all LIHEAP and CSBG reports:

1. Staff will prepare and submit, via hard copy or email, the required reports to the Chief Executive Officer (CEO) no later than five (5) days prior to the required submission date.
2. Upon approval by the CEO, the reports will be signed by the CEO if required and posted by staff to the DEO eGrants system. Reports will also be faxed to DEO, as appropriate.
3. On a monthly basis, the Department Director will report to the Division Director and, subsequently, the CEO the date that said report was submitted along with an explanation for any late reports and corrective action that will be taken to prevent a repeat occurrence of the late report.

DEO's Response:

The Subrecipient's response is accepted.

III. PROGRAM OPERATIONS

The following areas of program operations for the LIHEAP and CSBG programs were reviewed: program policies and procedures; client files; sub-recipient program activities; program reports; client reporting systems; client intake policies and procedures; client eligibility determinations; National Performance Indicators and goal setting.

The Subrecipient is to be applauded on its Organization Standards being organized and accessible. The Subrecipient's client files for both CSBG and LIHEAP were also well organized and included the required documentation.

Finding #3: Late Vendor Payments (LIHEAP)

DEO has been receiving complaints of vendors not receiving payments in a timely manner on various occasions. During the monitoring visit various client files were reviewed to determine the validity of the complaints. For the FY 2014 and 2015 LIHEAP Agreement, Attachment A, Section E. Client Services and Benefits (6) states "For all approved applications, Recipient shall make payments to vendors on

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behalf of approved Applicants no more than forty-five (45) calendar days from the Application Date. Several client files were reviewed, the following contained late vendor payments:

Name	Vendor Notified	Vendor Paid	#of days it took to make payment
Gloria Wilson	Oct 24, 2013	Dec 27, 2013	63
Simone Aldolphe	June 10, 2015	July 28, 2015	48
Virginia Burns	Aug 1, 2013	Sept 27, 2013	56
Brenda Brooks	Oct 19, 2013	Dec 27, 2013	68

Corrective Action:

As a response to this finding, the Subrecipient must provide DEO with their policy to submit payments to its vendor within the required 45 day time period.

Subrecipient's Response and Action:

ALPI's current "Fiscal Management Policies and Procedures Manual" has been revised by adding the following language to Chapter VI, section F, Procedures: "Payment to vendors on behalf of approved LIHEAP Applicants shall be made no more than forty-five (45) days from the approved Application Date."

DEO's Response:

The Subrecipient's response is accepted.

ISSUE	NUMBER AND TYPE OF FINDINGS AND CONCERNS			
	Administrative	Fiscal	Program	Total
Findings	1	1	1	3
Concerns	0	0	0	0

ATTACHMENT A
Issues of Non-Compliance Corrected During Monitoring

There were no issues of non-compliance corrected during the monitoring visit.

ATTACHMENT B
Technical Assistance

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ACF/OVERVIEW FINDINGS
(Comprehensive Services/School Readiness Review)



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Head Start | 4th floor Switzer Memorial Building, 330 C Street SW, Washington DC | eclkc.ohs.acf.hhs.gov

To: Board Chairperson
Mr. William Holt
Board Chairperson
Agricultural and Labor Program, Inc.
300 Lynchburg Road
Lake Alfred, FL 33850-2576

From: Responsible HHS Official
Dr. Blanca Enriquez
Director, Office of Head Start

Blanca E. Enriquez 4/29/16
Date

Overview of Findings

From 4/4/2016 to 4/7/2016, the Administration for Children and Families (ACF) conducted a Comprehensive Services/School Readiness review event for the Agricultural and Labor Program, Inc. Head Start and Early Head Start programs. We wish to thank the governing body, Policy Council, staff, and parents of your program for their cooperation and assistance during the review event. This Head Start Review Event Report has been issued to Mr. William Holt, Board Chairperson, as legal notice to your agency of the results of the on-site review event.

Based on the information gathered, no area of noncompliance was found during the course of the review. Accordingly, no corrective action is required at this time.

Please contact your ACF Regional Office with any questions or concerns you may have about this report.

Distribution of the Head Start Review Report

Copies of this report will be distributed to the following recipients:

Capt. Robert Bialas, Regional Program Manager
Ms. Mercadez Estime, Policy Council Chairperson
Ms. Deloris Johnson, CEO/Executive Director
Mrs. Elizabeth Young, Head Start Director

Overview Information

Review Type: *SR*
Organization: *Agricultural and Labor Program, Inc.*
Program Type: *Head Start and Early Head Start*
Field Lead: *Ms. Bernnadette Yarborough*
Funded Enrollment HS: *691*
Funded Enrollment EHS: *140*

Glossary

A glossary of terms has been included to explain the various terms used throughout this report.

Term	Definition
Compliance Measure (CM)	The specific statements that collectively assess the level of program performance for each Key Indicator, focusing on one or more Federal regulations critical to the delivery of quality services and the development of strong management systems.
Strength	A new and/or unique way of reaching the community.
Compliant	No findings. Meets requirements of Compliance Measure.
Concern	An area or areas of performance which need improvement or technical assistance. These items should be discussed with the Regional Office and do not include a timeframe for correction.
Noncompliance	A finding that indicates the agency is out of compliance with Federal requirements (including, but not limited to, the Head Start Act or one or more of the performance standards) in an area or areas of program performance, but does not constitute a deficiency. Noncompliances require a written timeline of correction and possible technical assistance (TA) or guidance from their program specialist, and if not corrected within the specified timeline, can become a deficiency.
Deficiency	<p>An area or areas of performance in which an Early Head Start or Head Start grantee agency is not in compliance with State or Federal requirements (including but not limited to, the Head Start Act or one or more of the regulations) and which involves:</p> <p>(A) A threat to the health, safety, or civil rights of children or staff;</p> <p>(B) A denial to parents of the exercise of their full roles and responsibilities related to program governance;</p> <p>(C) A failure to perform substantially the requirements related to Early Childhood Development and Health Services, Family and Community Partnerships, or Program Design and Management; or</p> <p>(D) The misuse of Head Start grant funds.</p> <p>(ii) The loss of legal status or financial viability, as defined in part 1302 of this title, loss of permits, debarment from receiving Federal grants or contracts or the improper use of Federal funds; or</p> <p>(iii) Any other violation of Federal or State requirements including, but not limited to, the Head Start Act or one or more of the performance standards of this title, and which the grantee has shown an unwillingness or inability to correct within the period specified by the responsible HHS official, of which the responsible HHS official has given the grantee written notice of pursuant to section 1304.61.</p>

Comprehensive Services and School Readiness

CM#	Compliance Measure	Compliance Level
CSSR 1.1.1	<p>Program staff engage in a process of collaborative partnership building with all parents to:</p> <ul style="list-style-type: none"> • Demonstrate respect for each family's structure, cultural, ethnic, and linguistic diversity • Establish mutual trust • Identify strengths • Identify necessary services and other supports 	Compliant 1304.40(a)(1, 5)
CSSR 1.1.2	As part of an ongoing partnership, the program must identify family needs and interests and offer parents opportunities to develop and implement individualized family partnerships with staff that address family goals, responsibilities, timetables, strategies for achieving these goals, and progress in achieving goals.	Compliant 1304.40(a)(2)
CSSR 1.2.1	The program explains the purpose and results of screenings, evaluations, and health and developmental procedures in a way that families can understand and obtains their authorization prior to conducting the screenings. This allows parents to participate in the need identification process and supports parents in how to familiarize their children with assessments/screenings they will receive while enrolled in the program.	Compliant 1304.20(e)(2-3)
CSSR 1.2.2	The program makes vigorous efforts to involve and educate parents about the Individualized Education Plan (IEP) or Individual Family Service Plan (IFSP) process and understanding their rights under the Individuals with Disabilities Education Act (IDEA).	Compliant 1308.19(j)(1-2, 4), 1308.21(a)(6, 10)
CSSR 1.3.1	The program, in collaboration with each child's parent, performs or obtains the required linguistically- and age-appropriate screenings to identify concerns regarding the child within 45 calendar days (30 days for programs operating shorter durations) of the child's entry into the program.	Compliant 1304.20(a)(2), 1304.20(b)(1-3)
CSSR 1.3.2	Children suspected of having a disability are promptly referred for further evaluation through a coordinated screening, assessment, and referral process in partnership with the Local Education Agency (LEA) or early intervention services for infants and toddlers.	Compliant 1304.20(f)(2)(ii), 1308.6(a)(3), 1308.6(e)(1), 645A(b)(11)
CSSR 1.3.3	<p>The program makes a determination about the preventive care status of each child by understanding:</p> <ul style="list-style-type: none"> • Whether or not each child has an ongoing source of continuous, accessible health care. (If a child does not have a source of ongoing health care, grantee and delegate agencies must assist the parents in accessing a source of care within 90 days of entry into the program.) • The current determination from a health care professional as to whether each child is up to date on a schedule of primary and preventive health care (EPSDT), including dental, and assists parents in bringing the child up to date as needed within 90 days of entry into the program. 	Compliant 1304.20(a)(1)(i-ii), 1304.20(a)(1)(ii)(A-B), 1304.20(a)(2)
CSSR 1.3.4	The program assists parents in understanding how to enroll and participate in a system of ongoing family health care.	Compliant 1304.40(f)(2)(i)

CSSR 1.3.5	The program has established procedures for tracking the provision of health services.	Compliant 1304.20(a)(1)(ii)(C)
CSSR 1.3.6	When screening for developmental, sensory, and behavioral concerns, the program must utilize multiple sources of information on all aspects of each child's development and behavior, including input from family members, teachers, and other relevant staff who are familiar with the child's typical behavior.	Compliant 1304.20(b)(3)
CSSR 1.3.7	The program carries out ongoing developmental assessment for all enrolled children throughout the year to determine progress and to plan program activities.	Compliant 1308.6(a)(2)
CSSR 2.1.1	The program has established and engages a HSAC to help ensure the program and its community partners address health needs.	Compliant 1304.41(b)
CSSR 2.1.2	The program takes steps to ensure that staff obtain direct guidance from a mental health or child development professional on interpreting and using findings from screenings and evaluations, and that each child with a known, observable, or suspected health, dental, mental health or developmental concern receives: <ul style="list-style-type: none"> • Further diagnostic testing • Examination • Treatment from a licensed or certified health care professional • A follow-up plan to ensure required treatment has begun 	Compliant 1304.20(a)(1)(iii), 1304.20(b)(2), 1304.20(c)(1), 1304.20(e)(3)(ii), 1308.18(b)
CSSR 2.1.3	Programs must work collaboratively with all participating parents to identify and continually access, either directly or through referrals, services and resources that are responsive to each family's interests and goals.	Compliant 1304.40(b)(1)(i-iii)
CSSR 2.2.1	The program involves parents, consulting with them immediately when child health or developmental concerns are suspected or identified.	Compliant 1304.20(e)(1)
CSSR 2.2.2	Services provided to children with identified disabilities are: <ul style="list-style-type: none"> • Designed to support the outcomes contained in their IEPs/IFSPs • Monitored by a designated staff member or consultant to coordinate services for children with disabilities, including collaborating with other service area coordinators (i.e., Education, Mental Health, and Nutrition) and staff 	Compliant 1308.18(a), 1308.19(k), 1308.6(d)
CSSR 2.3.1	The program uses information from screenings, ongoing observations, and evaluations, as well as insight from parents, to determine how best to respond to each child's individual characteristics, strengths, and needs.	Compliant 1304.20(d), 1304.20(f)(1)
CSSR 2.3.2	The program encourages parents to be full partners in the education of their children; parents are invited to no fewer than two parent-teacher conferences and home visits per year.	Compliant 1304.40(e)(5), 1304.40(i)(2)
CSSR 2.3.3	The program develops procedures for identifying children who are limited English proficient, and informing their parents about the instructional services used to help them make progress towards acquiring knowledge and skills and acquisition of the English language.	Compliant 642(f)(10)
CSSR 2.3.4	The program provides opportunities for children and families to participate in family literacy activities, resources and services that are essential to the families' literacy development.	Compliant 1304.40(e)(4)(i)

CSSR 2.4.1	<p>The program provides educational opportunities for parents to enhance their parenting skills and overall functioning that include:</p> <ul style="list-style-type: none"> • Understanding the educational and developmental needs of their children • Sharing concerns and observations about their children with program staff • Understanding how to strengthen and nurture supportive environments and relationships in the home and at the program • Identifying the appropriate responses to their children's behaviors 	<p>Compliant 1304.24(a)(1)(iii-iv), 1304.40(e)(2-3)</p>
CSSR 2.5.1	<p>The program makes provisions for mental health program services for parents and staff to promote children's mental wellness ("such as social-emotional development or behavioral concerns") that include:</p> <ul style="list-style-type: none"> • Staff and parent education on mental health • Engaging parents in discussion regarding concerns about their child's mental health • Activities promoting children's mental wellness • Timely identification and intervention to address children's mental health concerns 	<p>Compliant 1304.24(a)(1)(i), 1304.24(a)(2), 1304.24(a)(3)(ii)</p>
CSSR 3.1.1	<p>The program has a system and processes in place to:</p> <p>Aggregate and Analyze the following:</p> <ul style="list-style-type: none"> • Aggregate child-level data at least three times a year using data from one or more valid and reliable assessment tools (programs operating less than 90 days are required to do so at least twice during their operating period). • Use the results to inform services. • Analyze individual, ongoing child-level assessment data for all children birth to age five. • For programs serving dual language learners (DLLs), determine status and progress in acquiring the knowledge and skills described in the Head Start Early Learning Outcomes Framework (demonstrated in any language, including the child's home language) and toward learning English. <p>Determine Progress:</p> <ul style="list-style-type: none"> • Use aggregated child-level data in combination with other program data to determine the level of progress towards meeting goals. • Use individual child level data in combination with input from parents and families to determine each child's status and progress in the five essential domains. <p>Use School Readiness Data to:</p> <ul style="list-style-type: none"> • Individualize experiences, instructional strategies, and services to best support each child. • Assess the fidelity curriculum implementation. • Direct continuous improvement related to the effectiveness of curriculum, instruction, professional development, and program design or other program decisions based on the analysis of school readiness outcomes data. • Inform parents and the community of the program's progress in achieving school readiness goals. 	<p>Compliant 1307.3(b)(2)(i-ii)</p>
CSSR 3.1.2	<p>The program has engaged in a process to align its school readiness goals with the Head Start Early Learning Outcomes Framework, State Early Learning guidelines, and the requirements and expectations of the schools the children will attend to the extent that they apply to children participating in the Early Head Start or Head Start program, and has consulted with the parents of children participating in the program.</p>	<p>Compliant 1307.3(b)(1)(i-iii)</p>
CSSR 3.2.1	<p>The program hires teachers with the required qualifications, training, and experience.</p>	<p>Compliant 1304.52(h)(1), 645A(h)(1-2), 648A(a)(3)(B)(i-iii)</p>
CSSR 3.2.2	<p>The teacher's approach to Child Development and Education (CDE) is developmentally and linguistically appropriate and demonstrates an understanding that children have individual rates of development, interests, temperaments, languages,</p>	<p>Compliant 1304.21(a)(1)(i)</p>

cultural backgrounds, and learning styles.

CSSR 3.2.3	<p>The program implements with fidelity a curriculum that:</p> <ul style="list-style-type: none"> • Promotes young children's school readiness in the areas of language and cognitive development, early reading and mathematics skills, socio-emotional development, physical development, and approaches to learning. • Is evidence-based and is linked to ongoing assessment, with developmental and learning goals and measurable objectives. • Focuses on improving the learning environment, teaching practices, family involvement, and child outcomes across all areas of development. 	Compliant 642(f)(3)(A, C-D)
CSSR 3.3.1	<p>The program provides a balanced daily program of child-initiated and adult-directed activities, including individual and small group activities.</p>	Compliant 1304.21(a)(1)(iv)
CSSR 3.3.2	<p>The learning space provided by grantee and delegate agencies must be organized into functional areas that can be recognized by the children and that allow for individual activities and social interactions.</p>	Compliant 1304.53(a)(3)
CSSR 4.1.1	<p>The program supports successful transitions for enrolled children and families, both into and out of Head Start programs, by:</p> <ul style="list-style-type: none"> • Ensuring each child's relevant records are transferred from the previous setting to the child's next school or placement. • Initiating joint transition-related training for staff. • Building relationships with principals, teachers, social workers, and health staff to facilitate continuity of programming. • Discussing the developmental progress of individual children with parents and future teachers. • Initiating joint transition-related training for Head Start and kindergarten staff (this includes a staff-parent meeting toward the end of the child's participation in the program, to enable parents to understand child progress while enrolled in the program). • Developing parents' capacity to effectively communicate with teachers and other school personnel. 	Compliant 1304.40(h)(2), 1304.40(h)(3)(i-ii), 1304.41(c)(1)(i-iv)

— END OF REPORT —

ACF / RESULTS FROM CLASS OBSERVATION



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Head Start | 4th floor Switzer Memorial Building, 330 C Street SW, Washington DC | eclkc.ohs.acf.hhs.gov

To: Board Chairperson

Mr. William Holt

Board Chairperson

AGRICULTURAL & LABOR PROGRAM INC, THE

300 Lynchburg Road

Lake Alfred, FL 33850-2576

From: Responsible HHS Official

Dr. Blanca Enriquez

Director, Office of Head Start

Blanca E. Enriquez
06/02/2016

Results from CLASS® Observations

Thank you for your support during the recent Office of Head Start onsite CLASS® review conducted from 05/09/2016 to 05/13/2016 of your Head Start program.

Observations were conducted in preschool center-based classrooms using the Pre-K Classroom Assessment Scoring System (CLASS®). The CLASS® tool looks at three domains and ten dimensions of teacher-child interactions and measures those observed interactions on a seven point scale. Please share these results with the appropriate governing board, policy council, management, staff and stakeholders.

DOMAIN	Score	DOMAIN	Score	DOMAIN	Score
Emotional Support	6.0602	Classroom Organization	5.7716	Instructional Support	3.0988

DIMENSIONS					
Positive Climate	6.20	Behavior Management	5.91	Concept Development	2.57
Negative Climate*	1.00	Productivity	6.33	Quality of Feedback	2.59
Teacher Sensitivity	6.00	Instructional Learning Formats	5.07	Language Modeling	4.13
Regard for Student Perspectives	5.04				

*Note: To calculate the Emotional Support domain, subtract the Negative Climate score from 8, add the Positive Climate, Teacher Sensitivity, and Regard for Student Perspective scores, then divide by 4.

For more information on CLASS® domains and dimensions, please see the attached description and visit the Early Childhood Learning and Knowledge Center, National Center on Quality Teaching and Learning at <http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/teaching>.

If you have any questions, please contact your Regional Office.

cc: *Mr. Robert Bialas*, Regional Program Manager
Ms. Mercadez Estime, Policy Council Chairperson
Ms. Deloris Johnson, CEO/Executive Director
Mrs. Elizabeth Young, Head Start Director

About CLASS®

The Improving Head Start for School Readiness Act of 2007 requires that the Office of Head Start (OHS) include in the monitoring reviews of Head Start agencies a valid and reliable research-based observational instrument that assesses classroom quality, including the assessment of multiple dimensions of teacher-child interactions that are linked to positive child outcomes and later achievement.

CLASS® assesses interactions between children and teachers in three broad domains of classroom quality: Emotional Support, Classroom Organization, and Instructional Support. The Office of Head Start believes that the domains of quality measured by CLASS® remain central to its approach to child development and education and serve as important indicators of the future school readiness of all Head Start children.

For all dimensions*, the scoring principles are as follows¹:

Low range score

1—The low range description of the CLASS® dimension fits the classroom and/or teacher very well. All, or almost all, relevant indicators in the low range are present.

2—The low range description of the CLASS® dimension mostly fits the classroom and/or teacher, but there are one or two indicators that are in the middle range.

Middle range score

3—The middle range description of the CLASS® dimension mostly fits the classroom and/or teacher, but there are one or two indicators in the low range.

4—The middle range description of the CLASS® dimension fits the classroom and/or teacher very well. All, or almost all, relevant indicators in the middle range are present.

5—The middle range description of the CLASS® dimension mostly fits the classroom and/or teacher, but there are one or two indicators in the high range.

High range score

6—The high range description of the CLASS® dimension mostly fits the classroom and/or teacher, but there are one or two indicators in the middle range.

7—The high range description of the CLASS® dimension fits the classroom and/or teacher very well. All, or almost all, relevant indicators in the high range are present.

*Note: The Negative Climate dimension is inversely scored with a higher score indicating lower quality. For all other dimensions and domains, a higher score indicates higher quality.

The scores from each class observation are averaged across the grantee to result in **grantee-level** dimension scores. The grantee dimension scores are then used to calculate the grantee-level domain scores.

The scores from CLASS® observations can be used for a variety of purposes, including professional development, program improvement, policy, goal-setting and monitoring. The Office of Head Start began using the CLASS® for monitoring purposes in FY2010 to collect information on the experiences of children at each grantee.

In FY2012, OHS refined the use of the CLASS® in monitoring to include the use of a randomly selected sample of center-based preschool classes for observations, a clearly articulated methodology followed by CLASS® reviewers, and additional support for the CLASS® reviewer pool. For each preschool class selected in the sample, trained and certified CLASS reviewers conduct two 20 minute observations and score at the dimension level using a 7-point scale at the end of each observation cycle.

¹ Pianta R, La Paro K, Hamre, B. *Classroom Assessment Scoring System Manual—Pre-K*, Paul H. Brookes Publishing Co., 2008.

HUD COUNSELING FINAL REPORT

FINAL REPORT

The Agricultural and Labor Program, Incorporated (ALPI) maintained its housing program during the 18-month period of the contract. Through the efforts of the program, clients were provided housing counseling and/or assisted with utility bills and rental/mortgage payments. Additionally, clients received assistance with acquiring or maintaining rental homes reducing the possibility of homelessness. Service levels were lower than expected. Following is a summary of the key components of the Final Report on the Housing Counseling Program.

Meeting of Goals/Objectives:

ALPI's goal was to provide housing assistance (counseling and/or other services) to 105 clients. Of the 105 clients ten (10) were to receive Group Education in Home Buying; however, the ALPI Counselor did not obtain the necessary certification to lead such a class and, therefore, ALPI was unable to offer the planned workshop during the contract period.

With regards to one-on-one counseling, ALPI planned to serve 95 clients during the contract period. As of the end of the grant, ALPI had served 89 (93.7%) of its plan. Of the 95 clients planned for receiving "one-on-one" counseling, 40 were planned for counseling in resolving or preventing delinquency or default with a total of 38 (95% of plan) receiving such service. Additionally, 25 were planned for rental assistance/information and 30 were planned for utility/electric assistance/information. ALPI provided the requisite services to 32 for rental assistance/information and 17 for utility/electric assistance/information. This resulted in a performance of 128% and 57% respectively.

During the reporting period ALPI worked with a relatively new counselor and, as a result, did not actively advertise its Housing Counseling services while the counselor was obtaining various certifications. ALPI's housing counselor received a total of 114.5 hours of related training with the tuition cost for 112 of the hours covered through scholarships resulting in travel costs only being charged to the HUD Grant.

During the New Year, ALPI will begin advertising its services through contact with local mortgage holders as well as banks. Additionally, ALPI will work with the Keystone Challenge to obtain referrals for housing counseling services thereby increasing its overall performance. As another source of recruitment, any Polk county homeowner requesting emergency assistance with

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his/her electric services; rent; or, mortgage will receive an intraagency referral to the Housing Counselor from one of ALPI's programs such as Low Income Home Energy Assistance (LIHEAP); Emergency Home Energy Assistance Program for Elderly (EHEAP); Community Services Block Grant (CSBG) emergency assistance; and, ALPI's National Farmworker Emergency Assistance Program.

Affirmative Furthering Fair Housing:

ALPI has long been an advocate of fair housing. Since its inception as a farmworker assistance program (45+ years ago), ALPI's focus has been on stabilizing and expanding housing opportunities for low income families, an especially vulnerable population. Although no evidence of housing discrimination was encountered during the contract period, ALPI would refer clients with such encounters to the local Rural Legal Service Office.

In addition to counseling and/or referrals, ALPI also works closely with clients in locating potential housing throughout the County. Through its CSBG program, ALPI assigns clients to case managers to assist them in locating acceptable housing thereby enabling the mobility of the client.

Housing Counseling Oversight and Quality Control Activities:

ALPI is the designated Community Action Agency (CAA) for four (4) counties in the center of the State of Florida. As the CAA, ALPI is required to report on a quarterly basis all of its services, including its housing assistance program and, specifically, Housing Counseling. As a result, the Director of LIHEAP/Community Services and the Deputy Director of the organization are involved, on a nearly daily basis, in overseeing and monitoring the Housing Counseling Program. The Housing Counselor reports directly the LIHEAP Director and works closely with the Deputy Director, a licensed attorney, in all aspects of Housing Counseling.

In addition to the "hands on" oversight of the operations of the program, ALPI has been determined for the last five (5) years to be a "low risk" auditee meaning that its financial operations are better than normal. ALPI has a well-defined purchasing process that requires preapprovals for most of its purchases. This approval is reviewed by not less than 4 staff from the LIHEAP Director

FINAL REPORT

through the Deputy Director, the Finance Director, and ultimately, the Chief Executive Officer (CEO) of the organization.

Staffing is based on the maintaining of time sheets that track employee's time and attendance by funding source. This is periodically reviewed by senior management to make sure that the time sheets accurately reflect this breakdown and all "shared" costs are broken down by a Cost Allocation Plan which is based on funding and/or staffing.

ALPI's operations are reviewed by a twenty-one (21) member Board of Directors. The Board meets on a Quarterly basis to discuss agency issues and review performance of all major funding programs. The Deputy Director is staff liaison to the Board's Program Planning Committee that meets before every scheduled regular Board meeting to review overall performance as well as individual program performance.

Problems Encountered, Unusual Needs, etc.:

The primary problem encountered during the contract period was the lack of inquiries from potential Housing Counseling clients. Historically, ALPI has had no problems in obtaining clients through its normal processes ("word of mouth"; referrals; HUD Website). This was not the case during the reporting period even though the service area still has a high number of foreclosures. The need for active recruitment has not been necessary. During the new contract period, ALPI will "step up" its recruitment efforts to identify and offer services to potential housing counseling clients. Additionally, ALPI will expand its inter and intra-agency referral procedures to assure more contact with potential Housing Counseling clients.

**LETTER TO REGIONAL OFFICE
RE: DISPOSAL OF MODULAR**

May 24, 2016

Robert Bialas, Captain, USPHS
Regional Program Manager
Administration for Children and Families
Office of Head Start
61 Forsyth Street, Suite 4M60
Atlanta, GA 30303



Deloris C. Johnson
Chief Executive Officer

Corporate Office
300 Lynchburg Road
Lake Alfred, Florida 33850-2576
(863) 956-3491
Toll Free: 1 (800) 330-3491
Fax: (863) 956-3357
E-Mail: admin@alpi.org

**ADMINISTRATION & OPERATIONS
QUALITY CONTROL DIVISION**

ADMINISTRATION SERVICES
Budget & Finance
Human Resources
Operations and Quality Control
IT/Computer Support & Marketing

**COMMUNITY SERVICES & ECONOMIC
DEVELOPMENT DIVISION**

CSBG Services
Service Areas: Polk, Highlands
and Hendry Counties

Farmworker Emergency Services
Service Areas: Statewide

LIHEAP Services
Service Areas: Polk, Collier,
Glades, Hendry, Highlands, Martin,
and St. Lucie Counties

Housing Counseling Services
Service Area: Polk County

Training and Employment Services
Service Area: Volusia County

ALPI Technical Education Center
Service Area: Volusia County

**CHILD DEVELOPMENT &
FAMILY SERVICES DIVISION**

Head Start Services
Service Area: St. Lucie County

Early Head Start Services
Service Areas: Polk and St. Lucie Counties

Child Care
Service Areas: Polk (Frostproof)
and St. Lucie Counties

Child Care Food
Service Areas: Polk (Frostproof)
and St. Lucie Counties

Eastern Region Administration Office

2202 Avenue Q
Ft. Pierce, FL 34950
(772) 466-2631
Toll Free: 1 (800) 791-3099
Fax: (772) 464-3035

Reference Grant Number: 04CH4739
Disposition Project: Modular Unit Disposition

Dear Captain Bialas:

I am writing this letter on behalf of the Agricultural and Labor Program, Inc., (ALPI) in regards to the request made on January 2013 for the disposition of a 1996 Modular Unit, purchased for \$149,189.00 (Attachment I). A response to the request was received on April 29, 2013, stating for the agency to run another sale ad for a longer period and extend to the surrounding metropolitan areas. ALPI proceeded to run another sales ad (June 5-12, 2013); in the surrounding metropolitan areas to include: Indian River, St. Lucie, Martin and Palm Beach Counties (Attachment II). As a result of the sales ads, ALPI received two inquiries (Attachment III).

The two inquiries were submitted on April 4, 2014 for consideration of the sale. Unfortunately, we have not received communication on this matter (Attachment IV). Today, we recognized that in the last three years the 1996 Modular unit has deteriorated and that the sale may not be possible. Based on the new appraisal conducted on May 2016, we are asking for your consideration to demolish/dispose of the 1996 Modular Unit due to its condition. I have attached the May 11, 2016 Appraisal that supports the deterioration of the physical environment of the unit (Attachment V).

Should you have any questions, please feel free to contact me, Elizabeth Young, CD/FS Deputy Director at (863) 954-3491 or Myrna Rodriguez, Program Operations Director at (772) 466-2631.

Sincerely,

Deloris Johnson
Chief Executive Officer

cc: Elizabeth Young, Deputy Director
Estercio Estime-Connelly, Policy Council Chairperson
William Holt, Board of Directors Chairperson
Ronniece Boston, Program Specialist, Region IV Office of Head Start
Sam Dupervil, Financial Management Specialist, Region IV Office of Head Start

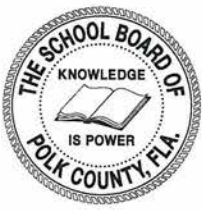
PROGRAMS AND SERVICES ARE FUNDED IN PART BY:



City of Ft. Pierce, County of St. Lucie, Department of Education (Adult Migrant Division), Florida Department of Health, Early Learning Coalition of Polk County, Florida Non-Profit Housing, Inc., St. Lucie County School Board and Early Learning Coalition of St. Lucie County, Inc.

THE AGRICULTURAL AND LABOR PROGRAM, INC. — PROVIDING A CONSTANT FLOW OF COMMUNITY SERVICES SINCE 1968
AN EQUAL OPPORTUNITY EMPLOYER

**PCSB APPROVAL LETTER
(SUMMER FEEDING PROGRAM)**



SCHOOL BOARD OF POLK COUNTY

P.O. BOX 391
BARTOW, FLORIDA 33831

(863) 534-0500

1915 SOUTH FLORAL AVENUE
BARTOW, FLORIDA 33830

Board Members

BOARD CHAIR
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DISTRICT 4

LYNN WILSON
DISTRICT 6

TIM HARRIS
DISTRICT 7

C. WESLEY BRIDGES, II
General Counsel

Administration

JACQUELINE M. BYRD
Superintendent

Date: May 9, 2016

To: Summer Feeding Program Site Supervisors

Re: Summer Feeding 2016

Congratulations! Your summer program has been approved to receive meals. The Summer Feeding Program provides nutritious meals to children in needy areas. This program is administered by the U.S. Department of Agriculture and the Florida Department of Agriculture. The program is sponsored locally by Polk County Public Schools. The 2016 program will operate from Wednesday, June 15th through Friday, July 29th. Meals will not be available on Monday, July 4th for the Independence Day Holiday.

All site supervisors and staff are required to complete training. Site supervisors will be responsible for picking up their 2016 Summer Feeding Program Manual at the Foodservice Building, located at 680 South Broadway Avenue, Bartow. Manuals may be picked up May 26th to June 5th, 7:30 a.m. to 3:00 p.m. Please read the manual and materials carefully because some program guidelines have changed since last year. All training must be completed via Moodle on the Polk County Schools website by June 8th. The Summer Feeding Program Manual will give you detailed instructions for accessing and completing your Moodle class.

If you have any questions, please contact:
Amy Medina at 863-534-0589 or summermeals@polk-fl.net
We look forward to working with you and your staff this summer.

Sincerely,

Susan Ehrhart, MS, SNS
School Nutrition Director

DUKE COMMUNITY AGENCY AGREEMENT

COMMUNITY AGENCY AGREEMENT

This Community Agency Agreement (hereinafter referred to as the "Agreement") is entered into as of May 25, 2016 (the "**Effective Date**"), by and between Duke Energy Florida LLC, d/b/a/ Duke Energy ("Duke Energy") a Florida corporation with its principal place of business located at 299 1st Avenue North, St. Petersburg, Florida and The Agricultural & Labor Program, Inc. hereinafter referred to as the "Agency"), a Florida Non-Profit corporation with its principal place of business located at 300 Lynchburg Rd. Lake Alfred, FL 33850 Duke Energy and Agency may be referred to individually as the "Party" and collectively as the "Parties".

WITNESSETH:

WHEREAS, Duke Energy is a public utility organized under the laws of the state of Florida and is engaged in the business of providing electric service to residential, industrial and commercial customers in northern and central Florida; and

WHEREAS, Agency is an organization authorized by various state and federal agencies and other charitable organizations to provide assistance to certain members of the public living in the communities located within the service area of Duke Energy with the payment of their electric service bill; and

WHEREAS, Duke Energy and Agency believe that an efficient means of administering funds to assist qualifying members in paying for their electric bill is an important joint community effort that provides a higher standard of living for Duke Energy customers; and

WHEREAS, Duke Energy and Agency believe that establishing a means by which state and federal grants, charitable and other funds may be utilized to cover the costs of utility service for qualifying members of the community is in their mutual interest and in the interest of the communities that they serve; and

WHEREAS, Duke Energy and Agency are desirous of entering into this Agreement whereby such funds may be handled and administered efficiently in carrying out their respective obligations.

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. TERM

This Agreement shall be effective on the date first set forth above and shall continue in full force and effect for a period of two years from the Effective Date, unless earlier terminated in accordance with the provisions set forth herein.

2. AGENCY DESIGNATION

(a) Agency shall provide to Duke Energy on a form substantially similar to the form attached to this Agreement as Exhibit A or through Duke Energy Agency Hotline (1-888-634-4354) such information designating those customers of Duke Energy that are eligible to receive financial assistance by or through Agency (hereinafter referred to as the "Qualified Customer") and the amount of financial assistance that the Qualified Customer is eligible to receive from Agency. Agency shall be responsible to confirm the identity of the customer.

(b) Duke Energy is entitled to rely upon Agency's determination of qualification. If it is later determined by Agency or others that the Qualified Customer was not eligible for assistance, Duke Energy shall not be required to return to Agency any monies received from Agency.

3. APPLICATION FOR SERVICE

(a) Qualified Customers that are applying for electric service with Duke Energy shall be instructed to do so in their own name. Falsely making application in the name of an individual that does not reside at the address is in violation of Florida law, §817.034, Florida Statute. The statute applies to both the person making the fraudulent request as well as anyone else that "cause(s) another" to transmit false information.

(b) In the event that it is determined that Agency, or any of its representatives, provide counsel to customers in contravention of §817.034, Florida Statute, Duke Energy Florida, Inc., may at its option, terminate this Agreement upon five (5) days' written notice to Agency and may refuse to receive further designations from Agency for payment on behalf of Qualified Customers. Nothing in this provision shall preclude Duke Energy from taking any other action that may be appropriate under the circumstances.

4. UTILITY SERVICE PAYMENT

(a) Agency shall pay to Duke Energy on behalf of the Qualified Customer such amount due for utility service as indicated on Exhibit A. The Parties acknowledge that the foregoing amount may not be the entire amount of the Qualified Customer's monthly service statement.

EXHIBIT A

(Insert Agency Letterhead Here)

AGENCY GUARANTEE OF PAYMENT FORM

FAX TO DUKE ENERGY FLORIDA @ 1-919-235-3173

PLEASE PRINT OR TYPE

Agency Name: _____ Date: _____

Agency Contact: _____

Phone: () _____ Ext: _____

This agency is guaranteeing payment on Duke Energy Florida Account
_____ in the amount of \$ _____ for the
following client: _____.

Customer's name on Duke Energy Florida bill if different than clients:

Service Address: _____

(b) Duke Energy and Agency acknowledge that Duke Energy is entitled, under its service tariffs approved by the Florida Public Service Commission, to receive payment for utility service within twenty (20) days of the date of Duke Energy statement for such service. Notwithstanding the foregoing, Duke Energy shall permit Agency to make payment within thirty (30) days of the date of notification of the amount due for a Qualified Customer's utility service (the "Agency Pay Period"). Duke Energy shall not, during any such Agency Pay Period, seek to terminate the utility service of the Qualified Customer so long as such Qualified Customer is designated as an eligible recipient of assistance by or through Agency. Duke Energy shall not seek to collect such monies that may be due for electric service from such Qualified Customer during the Agency Pay Period nor shall Duke Energy assess any late fees or charges on the Qualified Customer even though such late fees or charges are authorized under the approved service tariffs.

(c) In the event that Agency fails to make payment within thirty (30) days of its receipt of notice of the amount due for utility service of the Qualified Customer, Duke Energy shall be entitled to take whatever action is appropriate under the terms of its approved service tariffs. Nothing in this provision shall be deemed to be a waiver of Duke Energy rights under its approved tariffs, or to preclude Duke Energy from changing, modifying or otherwise amending its approved service tariffs. Further, nothing herein shall be construed to mean that Duke Energy forfeits or surrenders its right to any unpaid portion of the monthly statement. The Qualified Customer shall remain liable for any unpaid portion of the monthly statement.

(d) Agency may make all payments for Qualified Customers in one payment so long as Agency provides to Duke Energy sufficient information concerning the allocation of the amount paid so that Duke Energy can properly record the receipt of such payment against the amounts due from each of the Qualified Customers. Duke Energy may provide a form to Agency for this purpose.

(e) **ALL OF THE AFORESAID PAYMENTS BY AGENCY SHOULD BE MAILED DIRECTLY TO: DUKE ENERGY, P.O. BOX 1004, CHARLOTTE NC 28201-1004.**

5. INDEMNIFICATION

Agency shall indemnify, defend, and hold harmless Duke Energy, its parent corporation and their respective officers, directors, employees, and agents, from any and all claims, liabilities, obligations, damages, demands, losses, causes of action, costs or expenses of whatsoever kind or nature, including reasonable attorney's fees (i) to the extent resulting from any errors, omissions or any negligent, reckless, fraudulent, willful, wanton, or intentional acts of Agency or any of its employees, agents, or anyone else directly or indirectly employed by or through them, or anyone for whose acts they may be responsible; (ii) for any violation or alleged violation of any applicable federal or state orders, rules or regulations of any government entity or agency by, through or as a result of Agency or any employee, agent, or anyone else directly or indirectly employed by or

through them, or either of them, or anyone for whose acts they may be liable; (iii) for the determination of the eligibility of a Qualified Customer; and (iv) for any wrongful termination of any Qualified Customer. Duke Energy shall have the right to participate in any defense provided by Agency, including, but not limited to, the selection of legal counsel.

6. CONFIDENTIALITY

(a) Agency shall maintain the confidentiality of all information pertaining to Duke Energy customers (hereinafter referred to as "Confidential Information") that may be disclosed to Agency in order to facilitate the payment of funds on behalf of Qualifying Customers. Agency shall not directly or indirectly disclose, divulge, reveal, report, or publish the terms of this Agreement or any Confidential Information without the prior written consent of Duke Energy. The term "Confidential Information" whether written, electronically encoded or orally expressed, shall include, but not be limited to: (i) any and all information, items and documentation which now constitute or may in the future constitute "proprietary confidential business information" and "trade secrets" under Florida Statutes or federal laws, or as defined under any subsequent amendments thereto; (ii) business records, financial records, accounting records, operating data, costs, lists of customers, product and marketing plans, copyrightable works and applications for registration and registration thereof, pending applications for patents in the United States and foreign countries and any such patents that are issued, granted or published; and (iii) legal and regulatory information appurtenant to the foregoing. It is the Agency's responsibility to confirm the identity of the customer prior to Duke Energy releasing any account information pertaining to the Qualified Customer. Further, Agency acknowledges and agrees that no information will be provided by Duke Energy to Agency without the prior consent of the Qualified Customer.

(b) Confidential Information shall not include information which (i) is or becomes generally available to the public in accordance with law other than as a result of a disclosure by Agency; (ii) is available to Agency on a non-confidential basis prior to its disclosure by Agency; (iii) lawfully becomes available to Agency on a non-confidential basis and in accordance with law from a third person who is not otherwise bound by a confidentiality agreement with Duke Energy or (iv) is independently and lawfully developed by Agency without the use of Confidential Information disclosed by Duke Energy.

(c) In the event Agency shall be requested or required (by law or regulation, oral questions, interrogatories, request for information or documents, subpoena, civil investigative demand or similar process) to disclose any Confidential Information, Agency shall provide Duke Energy with immediate notice to enable Duke Energy to seek an appropriate protective order and/or waive compliance with this confidentiality provision.

(d) Agency acknowledges that Duke Energy may suffer irreparable harm in the event that Agency breaches any of the obligations under this confidentiality provision and that monetary damages may be inadequate to compensate for such breach. Accordingly, Agency

agrees that, in the event of a breach or threatened breach hereof by Agency, Duke Energy in seeking to protect the Confidential Information and the terms of this Agreement shall, without limitation of any other rights, remedies, or damages available at law or in equity, be entitled to a temporary restraining order, preliminary injunction, or permanent injunction in order to prevent any such breach.

(e) Without limiting other obligations of Agency under this Agreement, Agency shall comply with all laws, rules, regulations, individual rights, and generally accepted standards, guidelines and practices for the privacy and security of personally identifiable information ("PII") it receives from Duke Energy regarding any Qualified Customer and Agency shall also safeguard and protect such PII to at least the same level that Agency affords to its most sensitive information. Agency will immediately report to Duke Energy any suspected or actual security incident involving any systems containing PII and any use, disclosure, compromise, or loss of PII not authorized under this Agreement.

(f) The undertakings of the confidentiality obligations by Agency hereunder shall survive the expiration or termination of this Agreement.

7. TERMINATION OF THE AGREEMENT

(a) Duke Energy may terminate this Agreement at any time for its convenience upon giving thirty (30) days' prior written notice to Agency.

(b) Duke Energy may immediately terminate the Agreement upon Agency's failure to cure a breach of the Agreement after having been given notice of such breach by Duke Energy.

8. DESIGNATED REPRESENTATIVES

The designated representative for Agency set forth below shall administer this Agreement and the payments hereto. Agency may change such designated representatives by providing to Duke Energy the name, business address, title, telephone number, and facsimile number of the new designated representative in writing prior to such change.

The designated representatives are as follows:

Agency Name
Agency Address
Agency City, ZIP
Agency County
Agency Telephone Number
Agency Fax Number

9. GOVERNING LAW & VENUE

This Agreement and the rights and obligations of the Parties to this Agreement shall be governed by and construed in accordance with the laws of the State of Florida without giving effect to any principles of conflicts of laws where the giving of effect to any such principles would result in the laws of any other state or jurisdiction being applied to this Agreement. THE PARTIES EXPRESSLY WAIVE ALL RIGHTS TO TRIAL BY JURY IN ANY ACTION BROUGHT HEREUNDER.

10. ENTIRE AGREEMENT

This Agreement contains the entire understanding between the Parties with respect to the subject matter hereof and supersedes any prior or contemporaneous agreement or understanding between the Parties. The Parties shall not be bound by or be liable for any statement, representation, promise, inducement or understanding of any kind or nature not set forth or provided for herein. No prior course of dealing, usage of trade or course of performance shall be used to supplement or explain any term, condition or instruction used in this Agreement.

11. SEVERABILITY

In the event any provision, or any part or portion of any provision of this Agreement shall be deemed or defined by any law, regulation, ordinance, or order of any court of any governmental agency, or regulatory body having jurisdiction over either party, or held or declared by a court of competent jurisdiction to be unlawful, invalid, void or otherwise unenforceable, the rights and obligations of the Parties shall be reduced or abated only to the extent required to remove or cure such illegal or unenforceable portion, so long as the Agreement is not affected in a manner or to the extent which would render it economically, technically, materially, or commercially infeasible to either Party.

12. WAIVER

The failure of Duke Energy to terminate the Agreement for the breach of any condition or covenant herein by Agency shall not affect Duke Energy's right to terminate for subsequent breaches of the same or other conditions or covenants. The failure of either party to enforce at any time or for any period of time any of the provisions of this Agreement shall not be construed as a waiver of such provisions or of the right of the party thereafter to enforce each and every such provision.

13. MODIFICATION

No statements or agreements, oral or written, made prior to the date hereof, shall vary or modify the written terms set forth herein, and neither Party shall claim any amendment,

modification or release from any provision hereof by reason of a course of action or mutual agreement unless such agreement is in writing, signed by both Parties and specifically states it is an amendment to this Agreement.

14. HEADINGS

The descriptive headings used throughout this Agreement are formulated and used for reference purposes only and are in no way to be construed as a limitation of the scope of the particular section to which they refer. In case of a conflict between a heading and the content of a section, the content shall control the meaning.

15. ACKNOWLEDGMENT


Both Parties acknowledge that they have had the opportunity to have this Agreement reviewed by legal counsel of their choice and that they understand the terms and conditions herein including the attachments hereto. In the event there is ambiguity in the language set forth herein, such ambiguity shall not be construed against the drafter of the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

DUKE ENERGY FLORIDA, LLC,
D/B/A DUKE ENERGY

The Agricultural & Labor Program, Inc.

Signature: 
Print Name: Kenneth Talbot
Title: Manager, Consumer Affairs
Telephone: 727-523-4338

Signature: 
Print Name: Deloris Johnson
Title: Chief Executive Officer
Telephone: (863) 956-3491

2016 – 2017 SLC COLLABORATIVE AGREEMENT

Collaborative Agreement with ALPI Head Start

The Agricultural and Labor Programs, Inc., hereinafter referred to as "**ALPI**", and the Board of St. Lucie County, hereinafter referred to as the "**BOARD**", this 14th day of June, 2016, enter into this Collaborative Agreement to provide services to children with disabilities, ages three through five, enrolled in **ALPI Head Start** Centers in St. Lucie County.

Purpose:

WHEREAS, under Part B, The Individuals With Disabilities Act (P.L. 102-119), schools are responsible for providing medical, physical, psychological, social and educational and determining their eligibility for special programs, and

WHEREAS, under the Equal Opportunity Act of 1965 (P.L. 92-424), Head Start programs were mandated to set aside 10% of their enrollment for children with disabilities, and ALPI activity recruits, enrolls and serves children with disabilities, and

WHEREAS, the **BOARD** and **ALPI** both desire to establish and implement education programs for children with disabilities ages three to five; and

WHEREAS, both parties wish to comply with all established laws, rules and regulations for such special education programs;

NOW THEREFORE, in consideration of mutual covenants herein contained, the parties agree as follows:

Responsibilities:

1. The **BOARD** agrees to provide the following:
 - A. Accept referrals of children served by **ALPI** for evaluation, eligibility, and recommendation for placement by **BOARD** staff, according to the Special Program and Procedures of the Exceptional Student Education Department.
 - B. Provide multidisciplinary evaluation by licensed personnel to evaluate those children suspected of having disabilities, with (60) working days of referral by **ALPI**. If a comprehensive multidisciplinary evaluation cannot be scheduled within the established time frame, **ALPI** will be notified not later than (30) days after referral so that alternative arrangements can be made for evaluation.
 - C. Provide the use of valid test and evaluation materials, administered and interpreted by trained personnel, in conformance with established instructions. For children not proficient in English language, the evaluation procedures shall provide for use of language or other mode of communication commonly used by the child.

- D. The FDLRS (Galaxy) Child Find will assist with training and the administration of hearing and vision screening to all appropriate students.
- E. Provide prior written notice of all meetings (staffings, evaluations). Provide multidisciplinary staffing committee, including ALPI staff, to review diagnostic, evaluation, educational, special data, and determine eligibility/ineligibility of those children for special programs. If eligibility is established, an Individual Education Plan will be developed by the committee and the Parents with (30) days of that eligibility determination. The IEP committee will determine the initiation of identified services.
- F. Provide special education to include speech and language, physical and occupational therapy enrichment activities in the classroom setting fostering the principle of inclusion based upon the child's Individual Education Plan.
- G. Place preschool children with disabilities in the least restrictive environment with opportunity to interact with non-disabled peers to maximum extent possible. Provide appropriate services to identified students, based on the students' Individual Education Plan.
- H. Will provide copies of evaluation report, with parental release, regardless of enrollees' eligibility for exceptional student education services.
- I. Refer preschool children with disabilities to ALPI as a placement option.
- J. Arrange and make provision for transportation, in accordance with established **BOARD** guidelines, for those eligible children who receive Exceptional Student Services in settings other than **ALPI** centers.
- K. Provide assistance in ensuring the timely and appropriate transition of children enrolled in the ALPI program to a **BOARD** approved school program, when applicable.
- L. Provide ALPI documentation of progress every 4.5 weeks for each child enrolled in Head Start that is receiving services.
- M. Provide ALPI teachers with suggested activities based upon the child's Individual Education Plan (IEP). The activities will be incorporated into daily lesson planning and home activities.
- N. Provide ALPI teachers with suggested activities to improve student performance based upon the child's Individual Education Plan (IEP).

2. **ALPI** agrees to provide the following:

- A. Recruit, enroll and serve eligible children ages 3-5. No less than 10% of the total number of enrollment opportunities in the Head Start Program shall be available for children with disabilities.
- B. Provide appropriate special furniture, equipment, and materials for children with special needs (as needed).
- C. Provide an appropriate classroom facility and educational environment (LRE – Least Restrictive Environment).
- D. Complete developmental screenings on all children, within 45 days of enrollment in the ALPI program, as required in the Head Start Performance Standards
- E. Provide qualified mental health consultants to observe children in a classroom setting as a part of the mental health screening process.
- F. Assist parents of an enrolled child in identifying a need to be referred for an evaluation based upon staff/consultant observations and screenings
- G. Inform and train parents on age appropriate development and disabilities services.
- H. Provide a completed comprehensive referral packet for all children referred.
- I. Provide **BOARD** with appropriate personnel including interpreters, to create an effective Evaluation and Multidisciplinary staffing committee.
- J. Provide appropriate training of **ALPI** staff and parents regarding Head Start and Children with disabilities.
- K. Make referrals to the **BOARD** on any child suspected of having disabilities with seven (7) days of parental permission.
- L. Participate in Child Find activities to assist in recruiting children with disabilities.
- M. Maintain General Liability insurance in the amount of \$1,000,000.
- N. Arrange for appropriate Head Start staff to attend staffing meetings upon notification request from the Board staffing committee chairperson.
- O. Develop a written transition plan for children being transitioned from Part B Program to Head Start and Head Start into public school.
- P. When possible, assist Head Start parents with transportation to evaluations and staffing meetings if requested.

3. **Both parties agree:**

- A. To coordinate paperwork and parental consent to assure ongoing communication.
- B. To involve family in all aspects of implementing the educational program for disabled children and to comply with all federal, State, and District laws, rules and regulations.
- C. Both parties agree to comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of disability.
- D. In the event that any part, term, or provision of this agreement is by a court of competent jurisdiction found to be illegal, unenforceable, or in direct conflict with Federal, State or local laws, the validity of the remaining portions and provisions shall not be affected and the rights and obligations of the party shall be construed and enforced as if this agreement did not contain a particular part, term, or provision held to be so valid.
- E. This agreement may be amended or modified only in writing and executed by both parties. This agreement may be terminated by either party upon written notice within thirty (30) days. If either party terminates for convenience herein, it shall not be liable for breach of contract, lost profits, or such damages whether consequential or inconsequential.
- F. To review and/or update collaboration agreement annually.
- G. Provide parents with all information on their rights according to Individuals with Disabilities Act (IDEA).
- H. Keep all information given and received as confidential.
- I. Each party agrees to indemnify and save the other harmless (to the extent of the limitations set forth in 768.28 Florida Statutes, with respect to indemnity by the **BOARD** from and against any and all claims, suits, damages, liabilities, or causes of action arising out of, related to, or in connection with the negligent performance or non-performance of any provision of this agreement required of the indemnifying party, including personal injury, loss of life, or damage to property, and from or against any order, judgment, or decree that may be entered on this Agreement, and from and against all costs, attorney's fees, expenses, and suits incurred in and about the defense of any such claim and the investigation thereof, provided, however, that nothing in the agreement shall be deemed to indemnify a party for any liability or arising out of the negligence, performance, or failure of performance of such party or as a result of the negligence of any unrelated third party.

This agreement is in effect from July 1, 2016 to June 30, 2017.

IN WITNESS WHEREOF, this agreement has **been** executed on the date and year first above written and shall cover the ALPI school year schedule commencing.

THE SCHOOL BOARD OF ST. LUCIE COUNTY

E. Wayne Gent, Superintendent

Date

Kathryn Hensley, School Board Chairperson

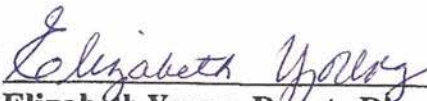
Date

AGRICULTURAL AND LABOR PROGRAM, INC.



Deloris Johnson, Chief Executive Officer

5/23/16
Date



Elizabeth Young, Deputy Director

5/23/16
Date



Myrna Rodriguez, Program Operations Director

5/23/16
Date

**BOARD MEETING ATTENDANCE
CORRESPONDENCE & RESPONSE (1)**

Twila Steward

Subject: FW: Absence of April Board of Directors Meeting

NOTE: After contact was made with Ms. Holmes, it was noted that it wasn't Twila that was emailed.

From: Lavita Holmes [mailto:kwikrelease863@gmail.com]

Sent: Monday, May 09, 2016 12:31 PM

To: Deloris Johnson <DJohnson@alpi.org>

Subject: Absence of April Board of Directors Meeting

Dear Delores Johnson,

On behalf of Kimberly Ross and myself (Lavita Holmes) I extend a profuse apology to you, Mr Holt and the entire Board of Directors for our absence and the inconvenience it caused.

Ms Ross called and emailed Twila prior to the meeting to inform her that we would not be able to attend. We were not aware of the proper procedure in notifying the Board.

We wholeheartedly apologize for failing to make ourself aware of proper protocol, it is our responsibility (not Twila's) to know our obligations as Board members.

Again, we are sorry for any problems we caused. It is our endeavor to be an asset to this Board. Thank you for taking the time to contact us and see you at the next meeting.

Respectfully Submitted,
Lavita Holmes

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.



May 4, 2016

Deloris C. Johnson
Chief Executive Officer

Corporate Office
300 Lynchburg Road
Lake Alfred, Florida 33850-2576
(863) 956-3491
Toll Free: 1 (800) 330-3491
Fax: (863) 956-3357
E-Mail: admin@alpi.org

Ms. Kimberly Ross
931 Virginia Avenue
Clewiston, FL 33440

Dear Ms. Ross:

Please be advised that your presence was missed at the Board of Directors Meeting scheduled on April 23, 2016. This letter is to serve as a friendly reminder how to proceed when you are unable to attend a scheduled Board of Directors' Meeting as prescribed below in the ALPI Bylaws:

ARTICLE IV - COMPOSITION OF THE BOARD

Section 8 The Board may, at its discretion, declare the office of a member of the Board vacant in the event such member shall be absent from three (3) regular Board Meetings unless such Board Member provides written notification to the Secretary of the Board after the second absence and said absence(s) are excused by the Board. Said notification must be submitted no later than seventy-two (72) hours prior to the scheduled Board meeting. If the member is unable to provide the requisite notice, the Chairperson of the Board will have the authority to make the determination as to whether the absence is excused. Staff will notify the Board Member by letter of this impending action after the second absence.

Should you have questions, please free to give me a call @ 863/956-3491 or email @ djohnson@alpi.org.

Sincerely,

Deloris Johnson
Chief Executive Officer

xc: William Holt, Board Chairperson

**ADMINISTRATION & OPERATIONS
QUALITY CONTROL DIVISION**
ADMINISTRATION SERVICES
Budget & Finance
Human Resources
Operations and Quality Control
IT/Computer Support & Marketing

**COMMUNITY SERVICES & ECONOMIC
DEVELOPMENT DIVISION**

CSBG Services
Service Areas: Polk, Highlands
and Hendry Counties

Farmworker Emergency Services
Service Areas: Statewide

LIHEAP Services
Service Areas: Polk, Collier,
Glades, Hendry, Highlands, Martin,
and St. Lucie Counties

Housing Counseling Services
Service Area: Polk County

Training and Employment Services
Service Area: Volusia County

ALPI Technical Education Center
Service Area: Volusia County

**CHILD DEVELOPMENT &
FAMILY SERVICES DIVISION**
Head Start Services
Service Area: St. Lucie County

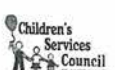
Early Head Start Services
Service Areas: Polk and St. Lucie Counties

Child Care
Service Areas: Polk (Frostproof)
and St. Lucie Counties

Child Care Food
Service Areas: Polk (Frostproof)
and St. Lucie Counties

Eastern Region Administration Office
2202 Avenue Q
Ft. Pierce, FL 34950
(772) 466-2631
Toll Free: 1 (800) 791-3099
Fax: (772) 464-3035

PROGRAMS AND SERVICES ARE FUNDED IN PART BY:





Deloris C. Johnson
Chief Executive Officer

May 4, 2016

Corporate Office
300 Lynchburg Road
Lake Alfred, Florida 33850-2576
(863) 956-3491
Toll Free: 1 (800) 330-3491
Fax: (863) 956-3357
E-Mail: admin@alpi.org

Ms. LaVita Holmes
901 Florida Avenue
Clewiston, FL 33440

**ADMINISTRATION & OPERATIONS
QUALITY CONTROL DIVISION**
ADMINISTRATION SERVICES
Budget & Finance
Human Resources
Operations and Quality Control
IT/Computer Support & Marketing

Dear Ms. Holmes:

Please be advised that your presence was missed at the Board of Directors Meeting scheduled on April 23, 2016. This letter is to serve as a friendly reminder how to proceed when you are unable to attend a scheduled Board of Directors' Meeting as prescribed below in the ALPI Bylaws:

**COMMUNITY SERVICES & ECONOMIC
DEVELOPMENT DIVISION**

ARTICLE IV - COMPOSITION OF THE BOARD

CSBG Services
Service Areas: Polk, Highlands
and Hendry Counties

Section 8 The Board may, at its discretion, declare the office of a member of the Board vacant in the event such member shall be absent from three (3) regular Board Meetings unless such Board Member provides written notification to the Secretary of the Board after the second absence and said absence(s) are excused by the Board. Said notification must be submitted no later than seventy-two (72) hours prior to the scheduled Board meeting. If the member is unable to provide the requisite notice, the Chairperson of the Board will have the authority to make the determination as to whether the absence is excused. Staff will notify the Board Member by letter of this impending action after the second absence.

Farmworker Emergency Services
Service Areas: Statewide

LIHEAP Services
Service Areas: Polk, Collier,
Glades, Hendry, Highlands, Martin,
and St. Lucie Counties

Housing Counseling Services
Service Area: Polk County

Training and Employment Services
Service Area: Volusia County

ALPI Technical Education Center
Service Area: Volusia County

Should you have questions, please free to give me a call @ 863/956-3491 or email @ djohnson@alpi.org.

**CHILD DEVELOPMENT &
FAMILY SERVICES DIVISION**

Head Start Services
Service Area: St. Lucie County

Early Head Start Services
Service Areas: Polk and St. Lucie Counties

Child Care
Service Areas: Polk (Frostproof)
and St. Lucie Counties

Child Care Food
Service Areas: Polk (Frostproof)
and St. Lucie Counties

Sincerely,

Deloris Johnson
Chief Executive Officer

xc: William Holt, Board Chairperson

Eastern Region Administration Office
2202 Avenue O
Ft. Pierce, FL 34950
(772) 466-2631
Toll Free: 1 (800) 791-3099
Fax: (772) 464-3035

PROGRAMS AND SERVICES ARE FUNDED IN PART BY:





May 4, 2016

Ms. Dorothy Curry
2203 W. 13th Street
Sanford, FL 32771

Dear Ms. Curry:

Please be advised that your presence was missed at the Board of Directors Meeting scheduled on April 23, 2016. This letter is to serve as a friendly reminder how to proceed when you are unable to attend a scheduled Board of Directors' Meeting as prescribed below in the ALPI Bylaws:

ARTICLE IV - COMPOSITION OF THE BOARD

Section 8 The Board may, at its discretion, declare the office of a member of the Board vacant in the event such member shall be absent from three (3) regular Board Meetings unless such Board Member provides written notification to the Secretary of the Board after the second absence and said absence(s) are excused by the Board. Said notification must be submitted no later than seventy-two (72) hours prior to the scheduled Board meeting. If the member is unable to provide the requisite notice, the Chairperson of the Board will have the authority to make the determination as to whether the absence is excused. Staff will notify the Board Member by letter of this impending action after the second absence.

Should you have questions, please free to give me a call @ 863/956-3491 or email @ djohnson@alpi.org.

Sincerely,

Deloris Johnson
Chief Executive Officer

xc: William Holt, Board Chairperson

Deloris C. Johnson
Chief Executive Officer

Corporate Office
300 Lynchburg Road
Lake Alfred, Florida 33850-2576
(863) 956-3491
Toll Free: 1 (800) 330-3491
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E-Mail: admin@alpi.org

**ADMINISTRATION & OPERATIONS
QUALITY CONTROL DIVISION**

ADMINISTRATION SERVICES
Budget & Finance
Human Resources
Operations and Quality Control
IT/Computer Support & Marketing

**COMMUNITY SERVICES & ECONOMIC
DEVELOPMENT DIVISION**

CSBG Services
Service Areas: Polk, Highlands
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Service Areas: Statewide

LIHEAP Services
Service Areas: Polk, Collier,
Glades, Hendry, Highlands, Martin,
and St. Lucie Counties

Housing Counseling Services
Service Area: Polk County

Training and Employment Services
Service Area: Volusia County

ALPI Technical Education Center
Service Area: Volusia County

**CHILD DEVELOPMENT &
FAMILY SERVICES DIVISION**

Head Start Services
Service Area: St. Lucie County

Early Head Start Services
Service Areas: Polk and St. Lucie Counties

Child Care
Service Areas: Polk (Frostproof)
and St. Lucie Counties

Child Care Food
Service Areas: Polk (Frostproof)
and St. Lucie Counties

Eastern Region Administration Office
2202 Avenue Q
Ft. Pierce, FL 34950
(772) 466-2631
Toll Free: 1 (800) 791-3099
Fax: (772) 464-3035

PROGRAMS AND SERVICES ARE FUNDED IN PART BY:



City of Ft. Pierce, County of St. Lucie, Department of Education (Adult Migrant Division), Florida Department of Health, Early Learning Coalition of Polk County, Florida Non-Profit Housing, Inc., St. Lucie County School Board and Early Learning Coalition of St. Lucie County, Inc.

THE AGRICULTURAL AND LABOR PROGRAM, INC. — PROVIDING A CONSTANT FLOW OF COMMUNITY SERVICES SINCE 1968
AN EQUAL OPPORTUNITY EMPLOYER

May 4, 2016



Deloris C. Johnson
Chief Executive Officer

Ms. Patricia Brown
P.O. Box 1365
Moore Haven, FL 33471

Corporate Office
300 Lynchburg Road
Lake Alfred, Florida 33850-2576
(863) 956-3491
Toll Free: 1 (800) 330-3491
Fax: (863) 956-3357
E-Mail: admin@alpi.org

Dear Ms. Brown:

Please be advised that your presence was missed at the Board of Directors Meeting scheduled on April 23, 2016. This letter is to serve as a friendly reminder how to proceed when you are unable to attend a scheduled Board of Directors' Meeting as prescribed below in the ALPI Bylaws:

**ADMINISTRATION & OPERATIONS
QUALITY CONTROL DIVISION**
ADMINISTRATION SERVICES
Budget & Finance
Human Resources
Operations and Quality Control
IT/Computer Support & Marketing

ARTICLE IV - COMPOSITION OF THE BOARD

**COMMUNITY SERVICES & ECONOMIC
DEVELOPMENT DIVISION**

Section 8 The Board may, at its discretion, declare the office of a member of the Board vacant in the event such member shall be absent from three (3) regular Board Meetings unless such Board Member provides written notification to the Secretary of the Board after the second absence and said absence(s) are excused by the Board. Said notification must be submitted no later than seventy-two (72) hours prior to the scheduled Board meeting. If the member is unable to provide the requisite notice, the Chairperson of the Board will have the authority to make the determination as to whether the absence is excused. Staff will notify the Board Member by letter of this impending action after the second absence.

CSBG Services
Service Areas: Polk, Highlands
and Hendry Counties

Farmworker Emergency Services
Service Areas: Statewide

LIHEAP Services
Service Areas: Polk, Collier,
Glades, Hendry, Highlands, Martin,
and St. Lucie Counties

Housing Counseling Services
Service Area: Polk County

Training and Employment Services
Service Area: Volusia County

ALPI Technical Education Center
Service Area: Volusia County

Should you have questions, please free to give me a call @ 863/956-3491 or email @ djohnson@alpi.org.

**CHILD DEVELOPMENT &
FAMILY SERVICES DIVISION**

Sincerely,

Head Start Services
Service Area: St. Lucie County

Early Head Start Services
Service Areas: Polk and St. Lucie Counties

Deloris Johnson
Chief Executive Officer

Child Care
Service Areas: Polk (Frostproof)
and St. Lucie Counties

Child Care Food
Service Areas: Polk (Frostproof)
and St. Lucie Counties

xc: William Holt, Board Chairperson

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THE AGRICULTURAL AND LABOR PROGRAM, INC. — PROVIDING A CONSTANT FLOW OF COMMUNITY SERVICES SINCE 1968
AN EQUAL OPPORTUNITY EMPLOYER

May 4, 2016



Ms. Glenda Jones
608 Avenue S, NE
Winter Haven, FL 33881

Dear Ms. Jones:

Please be advised that your presence was missed at the Board of Directors Meeting scheduled on April 23, 2016. This letter is to serve as a friendly reminder how to proceed when you are unable to attend a scheduled Board of Directors' Meeting as prescribed below in the ALPI Bylaws:

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Should you have questions, please free to give me a call @ 863/956-3491 or email @ djohnson@alpi.org.

Sincerely,

Deloris Johnson
Chief Executive Officer

xc: William Holt, Board Chairperson

Deloris C. Johnson
Chief Executive Officer

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Service Area: Polk County

Training and Employment Services
Service Area: Volusia County

ALPI Technical Education Center
Service Area: Volusia County

**CHILD DEVELOPMENT &
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May 4, 2016

Deloris C. Johnson
Chief Executive Officer

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Commissioner Kim Johnson
4888 Kings Highway
Fort Pierce, FL 34951

Dear Commissioner Johnson:

Please be advised that your presence was missed at the Board of Directors Meeting scheduled on April 23, 2016. This letter is to serve as a friendly reminder how to proceed when you are unable to attend a scheduled Board of Directors' Meeting as prescribed below in the ALPI Bylaws:

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Should you have questions, please free to give me a call @ 863/956-3491 or email @ djohnson@alpi.org.

Sincerely,

Deloris Johnson
Chief Executive Officer

xc: William Holt, Board Chairperson

PROGRAMS AND SERVICES ARE FUNDED IN PART BY:



City of Ft. Pierce, County of St. Lucie, Department of Education (Adult Migrant Division), Florida Department of Health, Early Learning Coalition of Polk County, Florida Non-Profit Housing, Inc., St. Lucie County School Board and Early Learning Coalition of St. Lucie County, Inc.

THE AGRICULTURAL AND LABOR PROGRAM, INC. — PROVIDING A CONSTANT FLOW OF COMMUNITY SERVICES SINCE 1968
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May 4, 2016

Deloris C. Johnson
Chief Executive Officer

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**CHILD DEVELOPMENT &
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Ms. Annessa Chilous
P.O. Box 925
Moore Haven, FL 33471

Dear Ms. Chilous:

Please be advised that your presence was missed at the Board of Directors Meeting scheduled on April 23, 2016. This letter is to serve as a friendly reminder how to proceed when you are unable to attend a scheduled Board of Directors' Meeting as prescribed below in the ALPI Bylaws:

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Should you have questions, please free to give me a call @ 863/956-3491 or email @ djohnson@alpi.org.

Sincerely,

Deloris Johnson
Chief Executive Officer

xc: William Holt, Board Chairperson

PROGRAMS AND SERVICES ARE FUNDED IN PART BY:



City of Ft. Pierce, County of St. Lucie, Department of Education (Adult Migrant Division), Florida Department of Health, Early Learning Coalition of Polk County, Florida Non-Profit Housing, Inc., St. Lucie County School Board and Early Learning Coalition of St. Lucie County, Inc.

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**SENIOR CONNECTION
2015 CONTRACTS & QUALITY ASSURANCE
MONITORING**



April 21, 2016

Ms. Deloris Johnson, CEO
The Agriculture and Labor Program, Inc.
300 Lynchburg Road
Lake Alfred, FL 33805

Re: 2015 Contracts and Quality Assurance Monitoring

Dear Ms. Johnson:

Senior Connection Center, Inc. received your response to our recent 2015 Contracts and Quality Assurance Report on March 25, 2016 and further follow-up on April 13, 2016. The monitoring report included two (2) Level I Compliance Findings. The first was concerning background screenings being completed incorrectly. The second was concerning clients with home energy emergencies being unable to reach ALPI staff for assistance, which involved the use of an automated telephone prompt menu.

We have reviewed and approved the Corrective Action Plan (CAP) you submitted in response to the Level I Compliance Findings. The CAP includes documentation of proper background screening completion for all required staff as well as your updated Intake and Service Delivery Policies and Procedures. The CAP indicates you have established new internal monitoring processes and plans for ongoing staff training. Additionally, EHEAP staff completed a general customer service training and specific EHEAP protocol retraining.

We appreciate the Agriculture and Labor Program's response and the actions taken to address these findings. If you have any questions concerning our review of your response, please contact us. Please note that these issues will be reviewed again during our upcoming 2016 Contracts and Quality Assurance Monitoring.

Sincerely,

Charlotte K. McHenry
President/CEO

cc: Cheryl Burnham, LIHEAP/EHEAP Community Services Direction, ALPI
Katie Parkinson, Chief Operating Officer, SCC
Phil Hollister, Director of Contracts & Quality Assurance, SCC

VPK GOOD CAUSE EXEMPTION



May 16, 2016

ALPI LINCOLN PARK HEADSTART (OEL Provider ID 1567)
1400 AVENUE M
FORT PIERCE, FL 34950

Dear VPK Provider:

The purpose of this letter is to inform you that the VPK Good Cause Exemption you received last year has been renewed for a period of one year and you are eligible to receive VPK funding for the 2016-17 VPK School Year Program.

Please note that this eligibility is contingent on your center meeting additional requirements to participate in the VPK program.

Should you have any questions about your eligibility, please feel free to contact our office.

Sincerely,

Rodney MacKinnon, Executive Director

cc: Anthony "Tony" Loupe Exec. Dir. of ELC of St. Lucie

RM/gs

RODNEY J. MACKINNON
EXECUTIVE DIRECTOR, OFFICE OF EARLY LEARNING

250 MARRIOTT DRIVE • TALLAHASSEE, FL 32399 • 850-717-8550 • Toll Free 866-357-3239 • www.FloridaEarlyLearning.com

HS/EHS CLASS TRACKING IMPROVEMENT

AGRICULTURAL AND LABOR PROGRAM, INC.

CLASS SCORES

~TRACKING IMPROVEMENT~

OHS CLASS 2015 NATIONAL GRANTEE-LEVEL SCORES BY DOMAIN			
Domain	Lowest 10%	Median 50%	Highest 10%
Emotional Support	5.6563	6.04	6.37
Classroom Organization	5.2708	5.82	6.28
Instructional Support	2.2261	2.78	3.69

OHS CLASS 2014 NATIONAL GRANTEE-LEVEL SCORES BY DOMAIN			
Domain	Lowest 10%	Median 50%	Highest 10%
Emotional Support	5.7167	6.08	6.50
Classroom Organization	5.3646	5.83	6.35
Instructional Support	2.2027	2.83	3.65

OHS CLASS 2013 NATIONAL GRANTEE-LEVEL SCORES BY DOMAIN			
Domain	Lowest 10%	Median 50%	Highest 10%
Emotional Support	5.5417	5.99	6.44
Classroom Organization	5.0556	5.62	6.17
Instructional Support	2.1061	2.71	3.35

OHS CLASS 2012 NATIONAL GRANTEE-LEVEL SCORES BY DOMAIN			
Domain	Lowest 10%	Median 50%	Highest 10%
Emotional Support	5.4926	5.91	6.33
Classroom Organization	4.8571	5.48	6.07
Instructional Support	2.1923	2.95	3.83

OHS National CLASS Scores by Year...Tracking Improvement

Scores At-A-Glance

Overview of Information

This page illustrates that, on a National level, the Emotional Support domain has experienced marginal growth over the time period from 2012 to 2014, eventually reaching either a plateau or a downward trend in 2015. This is true of the Classroom Organization domain as well, which saw a slight slip of .07 from 2014 to 2015. Instructional Support was the only domain, on the National level that saw an increase from 2014-2015 and that was just .04. This tells us that, on a National level, growth in these areas has not only leveled off but has experienced some evidence of decline.

Resource of Information – ECLKC.ohs.acf.hhs.gov

OHS 2015 NATIONAL STATISTICS BY DOMAIN

National Statistics by Domain

Grantee-level dimension scores are averaged to produce grantee-level domain scores.* Previous large-scale studies of CLASS® have shown that the average preschool classroom scores are higher in the domains of Emotional Support and Classroom Organization than in the domain of Instructional Support.

OHS CLASS 2015 NATIONAL GRANTEE-LEVEL SCORES BY DOMAIN				
Domain	Mean	Standard Deviation	Minimum	Maximum
Emotional Support	6.03	0.28	4.96	6.91
Classroom Organization	5.80	0.36	4.69	6.65
Instructional Support	2.88	0.54	1.59	5.17

Distribution by Domain

The following table and graphs provide additional information on how grantee-level domain scores are distributed nationally.

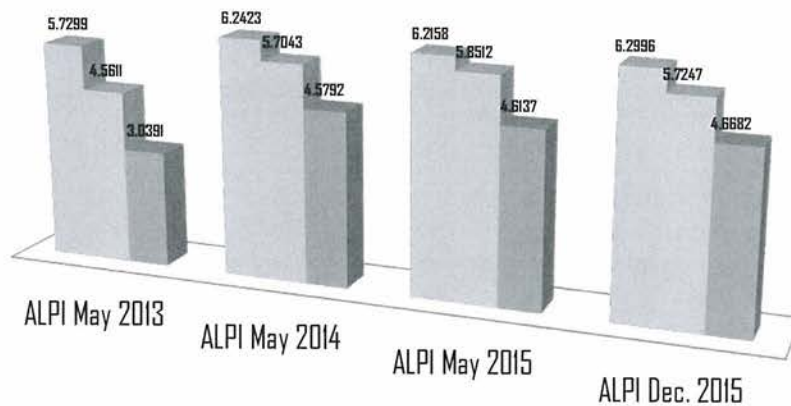
OHS CLASS 2015 NATIONAL GRANTEE-LEVEL SCORES BY DOMAIN			
Domain	Lowest 10%	Median 50%	Highest 10%
Emotional Support	5.6562	6.04	6.37
Classroom Organization	5.2708	5.82	6.28
Instructional Support	2.2261	2.78	3.69

Overview of Information

This page exhibits that in 2015, there was only a .7 difference between the highest 10% and the lowest 10% Nationally in Emotional Support. Additionally, the highest and lowest performers are separated in scores by a single point in Classroom Organization and less than one and a half points in Instructional Support. We are to be reminded also that the highest 10% are still recorded in 2015 as achieving only a 3.69, which is in the low end of mid-range performance.

Agricultural and Labor Program, Inc. Head Start Tracking CLASS Results by Year

■ Emotional Support ■ Classroom Organization ■ Instructional Support



Overview of Information

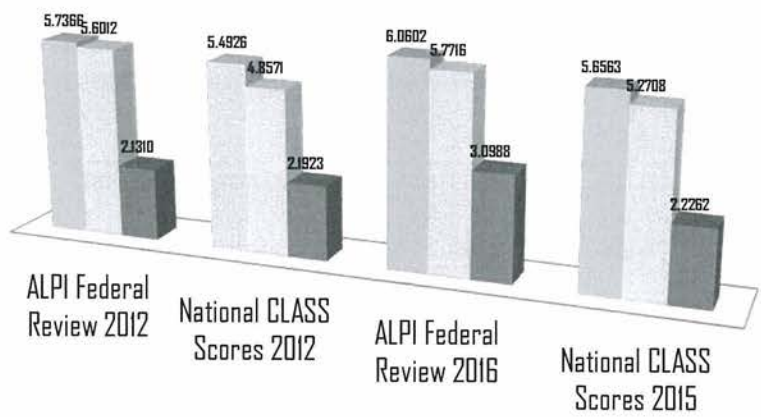
This page illustrates that ALPI CLASS Observations are still experiencing an upward trend in Emotional Support from 2012 to 2015, with a firm rating in the highest end of performance. While

Classroom Organization has experienced a slight decrease, it is only a difference of .12. In the domain of Instructional Support,

ALPI is still trending upward, surpassing the National highest 10%, working steadily from the upper mid-range of performance.

Agricultural and Labor Program, Inc. Head Start CLASS Results 2012 & 2016

Emotional Support
 Classroom Organization
 Instructional Support



Overview of Information

This page illustrates continuing growth for ALPI since 2012, with 2016 scores that surpass the established National levels of 2015 in all areas. While growth has been minimal, the trend is still moving toward increase, with the greatest improvement seen for Instructional Support, the most difficult area to improve, increasing by .96. This area has moved, from the lower range of performance in 2012 to the mid-range of performance in a continuous upward trend.

DHHS/HS SUPPLEMENTAL FUNDS

PI 16-02 Supplemental Funds Available to Extend Duration



Español

Supplemental Funds Available to Extend Duration of Services in Head Start and Early Head Start ACF-PI-HS-16-02

U.S. DEPARTMENT
OF HEALTH AND HUMAN SERVICES

ACF
Administration for Children and Families

1. Log No. ACF-PI-HS-16-02
2. Issuance Date: 04/25/2016
3. Originating Office: Office of Head Start
4. Key Words: Extend Duration of Services; Continuous Services Supplemental Funds; Application; Eligibility

PROGRAM INSTRUCTION

TO: All Head Start and Early Head Start Grantees, Including Delegate Agencies, Early Head Start-Child Care Partnership Grantees, and State Collaboration Grantees

SUBJECT: Supplemental Funds Available to Extend Duration of Services in Head Start and Early Head Start

INSTRUCTION:

The Office of Head Start (OHS) announces the availability of approximately \$294 million to be awarded for the purpose of increasing the total annual hours of high-quality early education services offered to children enrolled in Head Start and Early Head Start center-based and family child care programs. This supplemental funding is being made available under the Consolidated Appropriations Act of 2016 (Pub.L. 114-113). OHS solicits applications from existing Head Start and Early Head Start grantees that do not provide services equivalent to a full school day and full school year for 40 percent or more of their Head Start center-based participants, do not provide continuous services for all of their family child care participants or Early Head Start center-based participants, or wish to convert slots from locally designed or combination options to center-based program schedules for longer service duration. Over 90 percent of existing grantees that currently do not serve all of their Head Start children for at least 1,020 hours are eligible to apply for these funds. The U.S. Department of Health and Human Services (HHS) expects to award funds to grantees eligible under this Program Instruction in each of the 50 states and the District of Columbia, and the U.S. territories, pending a fundable application. Subject to appropriations, funds awarded would become part of a grantee's base funding in future years.

Background

Decades of scientific research documents the strong and lasting impact of high-quality early learning experiences on

child outcomes. Head Start's mission is to promote the school readiness of young children from low-income families. Research suggests that having high-quality, full school day and full school year care is particularly important for low-income children to succeed in kindergarten and beyond. Based on this research, OHS is working to expand the number of children who participate in full school day and full school year or continuous programs.

Specifically, research on extended day programs for young children, full school day preschool, full school day kindergarten, and effective teaching and curricular practices strongly point to the inadequacy of program schedules that offer the current Head Start minimum of 448 annual hours in achieving meaningful child outcomes. Head Start children need more learning time in high quality programs than is provided by the Head Start minimum duration standards in order to prepare them for success later in school and in life. It is very difficult for half-day programs to provide sufficient time for teachers to conduct learning activities and intentional instruction in small group and one-on-one interactions in the areas of skill development experts believe are important to later school success. Extending the duration of Head Start programs also enables greater alignment to full school day/full school year kindergarten and the growing number of full school day/full school year state preschool programs.

In addition, research on summer learning loss and attendance demonstrates the importance of extending the number of annual hours provided in early childhood education settings, including Head Start. Learning loss can be even greater for children from low-income families.

Although research does not indicate a specific threshold of hours per day or days per year, there is strong and mounting evidence that Head Start children need greater exposure to high-quality early learning experiences than is provided under Head Start minimum duration standards in order to support strong outcomes.

Additionally, research indicates that consistent and uninterrupted relationships with responsive and sensitive caregivers is critical to healthy social and emotional development. This is particularly true for infants and toddlers. While most Early Head Start programs provide this longer duration, increasing the number of annual hours provided in all Early Head Start programs will promote secure adult-child attachment for more children to enable learning in the earliest years.

Extending the number of annual hours provided in early childhood education settings—whether Head Start or Early Head Start—also yields important benefits to working families.

Purpose

The purpose of this funding is to provide access to full school year and full school day programming in all Head Start communities, and continuous services for all Early Head Start families, by supporting grantees in extending the program day and/or year for more children.

These funds can be used to support a myriad of center-based program models with varying hours per day and days per year, as long as the program provides services for **1,020 hours of planned class operations over the course of a minimum of eight months per year** for Head Start and **1,380 hours of planned class operations per year** for Early Head Start.

Additionally, grantees may increase service duration for their **Head Start and Early Head Start family child care slots to 1,380 hours of planned class operations**. "Hours of planned class operations" is defined as hours when children are scheduled to attend. Professional development, trainings, orientations, teacher planning, data analysis, parent-teacher conferences, home visits, classroom sanitation, and transportation do not count toward the hours of planned class operations.

The goal of these funds is to increase the proportion of a grantee's Head Start center-based slots operating for 1,020 annual hours, Early Head Start center-based slots operating for 1,380 annual hours, and Head Start and Early Head Start family child care slots operating for 1,380 annual hours. Head Start grantees may apply for funding to increase the share of Head Start center-based slots that meet the 1,020 hours annual threshold to up to 40 percent of their

center-based slots, though available funding may mean that the grantee will be awarded funding to increase service duration for a somewhat smaller share. Grantees with Early Head Start center-based slots and with Head Start and Early Head Start family child care slots may apply for funding to increase the duration of all of these slots to the 1,380 hours threshold.

Voluntary Application

Grantees that receive these funds must provide high-quality, comprehensive, and continuous early care and education for preschoolers and/or infants and toddlers in center-based and family child care settings. These funds cannot be used for expansion of Head Start or Early Head Start enrollment.

Application for these funds is voluntary.

Eligibility

Determining Eligibility

Eligibility criteria for Head Start and Early Head Start grantees, including American Indian and Alaska Native (AIAN) grantees and Migrant and Seasonal Head Start (MSHS) grantees, are described in this section. For all grantees, eligibility according to these criteria will be determined using the data submitted by the grantee in the Program Schedule tab of the most recent annual Grant Application in the Head Start Enterprise System (HSES). Eligibility for grantees that successfully competed and received awards since July 1, 2015 and have not yet submitted an annual continuation application will be determined based on the level of services approved in the competitive application.

Grantees Eligible for Funding

Head Start. Head Start grantees that operate less than 40 percent of their center-based funded enrollment for a full school day and full school year schedule (1,020 hours of planned class operations over the course of a minimum of eight months per year) are eligible to apply. Applicants must propose to provide 1,020 annual hours of planned class operations for up to the number of slots needed to operate 40 percent of their Head Start center-based funded enrollment for this service duration. For example, a grantee that currently operates 20 percent of its center-based funded enrollment for a full school day and full school year (1,020 hours of planned class operations) may apply to operate up to an additional 20 percent of its funded enrollment at this service level. Applications to provide services for fewer than eight months per year will not be approved.

These funds may be used to convert Head Start slots from combination or locally designed program options to a center-based option and a full school day and full school year schedule (1,020 annual hours of planned class operations). If any current combination or locally designed option Head Start slots are proposed for conversion, these slots will be counted toward the grantee's Head Start center-based funded enrollment for the purposes of determining the percentage of center-based slots proposed to operate at 1,020 annual hours. For example, if a grantee currently has 70 center-based slots and 30 combination option slots and proposes to convert all 30 combination slots to center-based and 1,020 annual hours, then—if none of its 70 existing center-based slots currently operate for 1,020 annual hours—the grantee could also apply to increase duration for as many as 10 of its current center-based slots to 1,020 hours so that 40 center-based slots would operate for 1,020 hours out of a total of 100 center-based slots, equaling 40 percent.

Funds may also be used to increase service duration to 1,380 annual hours of planned class operations for up to 100 percent of grantees' Head Start family child care-funded enrollment. We are allowing funds to be used to increase service duration to this higher threshold for Head Start-funded children in family child care because this program option serves children in mixed age groups that include infants and toddlers who attend for a longer duration. Head Start family child care slots are not counted toward a grantee's center-based funded enrollment for the purposes of determining the percentage of Head Start center-based slots proposed to operate at 1,020 annual hours.

AIAN and MSHS grantees are eligible to apply under the same conditions described above. However, MSHS grantees may apply to provide services for fewer than eight months per year.

Early Head Start. **Early Head Start grantees that operate less than 100 percent of their center-based funded enrollment** at 1,380 annual hours of planned class operations are eligible to apply. Funding may be used to lengthen services for up to 100 percent of Early Head Start center-based slots not currently operating for 1,380 annual hours of planned class operations. Grantees wishing to apply must propose to provide 1,380 annual hours of planned class operations.

These funds may be used to convert Early Head Start slots from combination or locally designed program options to continuous Early Head Start center-based services (1,380 annual hours of planned class operations). See the description in the Head Start section above for more information.

Funds may also be used to increase service duration to 1,380 annual hours of planned class operations for Early Head Start family child care funded enrollment.

AIAN and MSHS grantees are eligible to apply under the same conditions described above.

Grantees Not Eligible for Funding

Due to the limited funding available, Head Start grantees currently operating 40 percent or more of their center-based funded enrollment at 1,020 annual hours of planned class operations, Early Head Start grantees currently operating 100 percent of their center-based funded enrollment at 1,380 annual hours of planned class operations, and Head Start and Early Head Start grantees currently operating 100 percent of their family child care funded enrollment at 1,380 annual hours of planned class operations are not eligible to apply for these funds. The president's fiscal year (FY) 2017 budget requests funding to continue expanding the number of children who can attend Head Start for a full school day and year. If that funding is provided, then in the future, a larger set of grantees will be able to continue to increase their full school day and year and/or continuous program offerings.

How to Apply

HSES Duration Supplement Amendment

Applicants must complete the Duration Supplement Amendment in HSES. Additional technical guidance is available on the relevant pages of the amendment.

Content of Applications

Applicants must address the following requirements in their application. The Application and Budget Justification Narrative should not exceed 20 pages, double-spaced in Times New Roman, 12-point font. Applications should include a Table of Contents.

Application Narrative. All applicants must describe the number of center-based and/or family child care program schedules they currently operate, as well as the annual hours of planned class operations provided (as defined in the Purpose section), the number of classrooms, and the number of children (funded enrollment) served in each program schedule.

Current Operations. Applicants must provide evidence of the total proportion of currently funded slots meeting the equivalent of 1,020 hours per year for Head Start center-based programs, 1,380 hours per year for Early Head Start center-based programs, and Head Start and Early Head Start family child care programs by number and percentage.

Approach. Head Start center-based grantees should use their community assessment and current program schedules to propose an approach that transitions an appropriate proportion (for a total of up to 40 percent) of their current Head Start center-based funded enrollment to a full school day and full school year program schedule (1,020 annual hours and a minimum of eight months per year) by extending the program day and/or year.

Early Head Start center-based and Head Start and Early Head Start family child care grantees should use their community assessment and current program schedules to propose an approach that transitions up to 100 percent of these slots that are not currently receiving 1,380 annual hours of planned class operations to a continuous program

providing 1,380 annual hours.

Implementation Plan. Applicants must include an implementation plan that describes their proposed process for transitioning program operations, staff, and families to a longer service duration. This implementation plan must include a timeline to be fully operational. OHS expects that all applicants will be fully operational at the increased service duration no later than the beginning of the 2017-2018 program year, if not sooner.

Budget and Budget Justification. Applicants must include a detailed 12-month budget (in the HSES Budget tab) and a narrative budget justification that estimate **only the supplemental funds** necessary to support the incremental ongoing operating costs for the additional hours of service for the funded enrollment for which they propose to increase service duration. The budget justification must describe the intended use of the requested funding. Applicants should only include costs associated with extending services offered to the proportion of their slots transitioning to full school day and full school year and/or continuous services. OHS understands that scale-up activities may be necessary prior to full implementation of the increased duration. Applicants must ensure the funding level requested is adequate to support the full array of staffing and infrastructure for successful implementation of full school day and full school year and/or continuous services.

Reasonable and Allowable Costs. Examples of reasonable and allowable costs include the purchase, renovation, rental, and maintenance of additional facilities; ongoing purchases of classroom supplies; expenses for staff providing increased service duration; and professional development to support staff transitioning to a longer service duration.

These grant funds cannot be used to cover other program costs not associated with extending services offered for the proportion of slots they intend to transition to full school day and full school year services. **These funds cannot be used for expansion of Head Start or Early Head Start enrollment.** These funds cannot be used to provide home-based services or to convert home-based slots to center-based services. Costs incurred for grant application preparation are not considered an allowable use of funds and may not be included in the project budget or budget justification.

Funds awarded to increase the total annual hours of planned class operations must not supplant existing subsidies or other funding.

Start-up Costs. Start-up costs may be requested by an applicant in addition to the base operating supplemental funds. Examples of start-up activities are facility renovations or purchase, initial purchase of classroom supplies, licensing, background checks for additional staff, etc. Estimates for start-up costs must be easily identified as a separate budget in the Budget and Budget Justification section of the application. Applicants requesting start-up funds in addition to the 12-month budget must include start-up costs in the duration supplemental amendment application SF-424A.

Approval of start-up costs is not guaranteed; they are negotiated at the time of award and are based on reasonableness, necessity, and the availability of funds. The incurrence of start-up costs in anticipation of an award is done at the applicant's own risk and imposes no obligation on OHS either to make an award or to increase the amount of the approved budget if an award is made for less than the amount anticipated and is inadequate to cover the start-up costs incurred. It is possible that OHS may honor start-up costs by reducing the base amount of the award to include these costs.

Training and Technical Assistance.

Grantee training and technical assistance (T/TA) set-asides will not increase under this appropriation. However, consistent with current budgeting authority, grantees may elect to use a portion of operational funding, both in start-up and ongoing costs, for T/TA purposes.

Deadline

All applications must be submitted in HSES no later than Friday, June 24, 2016.

Please direct any questions regarding this Program Instruction to your Regional Office.

Thank you for the work you do on behalf of children and families.

/Blanca Enriquez/

Blanca Enriquez
Director
Office of Head Start

See PDF Version of Program Instruction:

Supplemental Funds Available to Extend Duration of Services in Head Start and Early Head Start [PDF, 123KB]

Supplemental Funds Available to Extend Duration of Services in Head Start and Early Head Start. ACF-PI-HS-16-02. HHS/ACF/OHS. 2016. English.



Required Viewers:

This is a Historical Document.

Other "2016" Resources

- PI 16-03 Head Start Funding Increase
- PI 16-02 Supplemental Funds Available to Extend Duration
- PI 16-01 Changes in Federal Reporting

DHHS/HS FUNDING INCREASE

OFFICE OF HEAD START

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
	1. Log No. ACF-PI-HS-16-03	2. Issuance Date: 04/27/2016
	3. Originating Office: Office of Head Start	
	4. Key Words: Consolidated Appropriations Act; Appropriations; Fiscal Year (FY) 2016; Funding Increase; Cost of Living Adjustment (COLA)	

PROGRAM INSTRUCTION

TO: All Head Start and Early Head Start Grantees, Including Delegate Agencies, Early Head Start-Child Care Partnerships, and State Collaboration Grantees

SUBJECT: FY 2016 Head Start Funding Increase

INSTRUCTION:

President Obama signed Public Law 114-113, the Consolidated Appropriations Act of 2016, on December 18, 2015. This Act includes \$9,168,095,000 for programs under the Head Start Act, which is an increase of approximately \$570 million over the fiscal year (FY) 2015 funding level.

The approximately \$570 million increase provides grantees a 1.8 percent cost of living adjustment (COLA), depending on final funding decisions. The FY 2016 funding level also includes \$294 million to support programs in lengthening their day and year, and \$135 million for Early Head Start-Child Care (EHS-CC) Partnerships and Early Head Start (EHS) Expansion. We will provide more information in the coming weeks about how to apply for these funds.

This Program Instruction (PI) provides information about the additional funds that are available to Head Start and Early Head Start grantees in FY 2016 for the COLA and describes the requirements for applying for these funds. Grantees that already received partial funding for FY 2016 are eligible to receive a supplemental award for the COLA. Grantees that are subject to competition for continued funding through the Designation Renewal System are also eligible to receive the COLA. State Collaboration grants are not eligible for the COLA due to the statutory cap on their funding in the Head Start Act.

FY 2016 COLA

Each grantee, including those with EHS-CC Partnership funding, may apply for a COLA increase of 1.8 percent of the FY 2015 base funding level. Base funding excludes training and technical assistance (T/TA) funds and any one-time funding grantees may have received in FY 2015. COLA funds are to be used to increase staff salaries and fringe benefits and to pay for higher operating costs.

Programs that use COLA funds to increase staff salaries should increase the hourly rate of pay and permanently increase the Head Start pay scale rather than only increase the salaries of current employees. Sections 653 and 640(j) of the Head Start Act provide further guidance on the uses and limitations of the COLA funds. Section 653 of the Act restricts compensation to a Head Start employee that is higher than the average rate of compensation paid for substantially comparable services in the area where the program is operating. Section 653 also prohibits any Head Start employee from being compensated at a rate higher than that of an Executive Schedule Level II position. Section 640(j) of the Act requires that the compensation of Head Start employees must be improved regardless of whether the agency has the ability to improve the compensation of staff employed by the agency that do not provide Head Start services.

Each grantee, as specified in 45 CFR 1301.31 of the Head Start Program Performance Standards, is required to have personnel policies that specify salary rates and fringe benefits. Any grantee proposing differential COLA increases to staff, delegates, or partners must justify its rationale in its budget narrative.

Funds remaining after providing the COLA increase in the hourly rate of pay may be used to offset increased operating costs in other areas of the budget. This includes increased costs in rent, utilities, facilities maintenance and insurance, contractual arrangements, vehicle fuel, and maintenance, supplies, and equipment.

Application Requirements

Grantees are required to request these funds through a grant application. Your Regional Office will send a Funding Guidance Letter to provide information on the amount of funds available to your agency this year and to offer further guidance on the application requirements. Grantees must submit a grant application or supplemental application in the Head Start Enterprise System (HSES) that includes:

- SF-424 Application for Federal Assistance
- Program narrative
- Budget and budget narrative
- Signed statements of the governing body and Policy Council chairs and minutes documenting each group's participation in the development and approval of the application

As always, grantees encountering one-time needs, especially related to health and safety concerns, should contact their Regional Office throughout the year.

Please direct any questions regarding this PI to your Regional Office.

Thank you for the work you do on behalf of children and families.

/ Blanca Enriquez /

Blanca Enriquez

Director

Office of Head Start

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**NCAF CORRESPONDENCE
(JOSEPHINE HOWARD)**

January 8, 2016 at 12:25 PM, David Bradley
davidbradley@ncaf.org> wrote:

Dear Josephine,

I hope that you are doing well and enjoyed the holidays. Hopefully the news regarding the increase in CSBG funding helped to make the season even better for you.

I am writing because I sincerely need your help. Last year, our organization worked tirelessly on your behalf and I sincerely appreciate all of the support the network has given us. That being said, 2016 is shaping up to be one of the most critical years in the history of Community Action. Unfortunately, once again, I find myself short on resources.

There are many opportunities coming up for Community Action that no other social service program would ever dream of having. These opportunities are a culmination of 30-plus years of Hill work and relationships. For instance, I am going to South Carolina this weekend where I am invited to attend the Kemp Forum on Expanding Opportunity. The Kemp Forum is moderated by Speaker Paul Ryan and Senator Tim Scott and will feature six Republican presidential candidates. There are several other political events with key members of Congressional leadership that I was specifically asked to attend as well.

In the coming months, we have the chance to build a bipartisan base that can withstand any political winds and last for a generation. To accomplish this, there are two items that must be addressed: NCAF and CAP-PAC need increased support from our entire network.

Our entire staff worked hard all of last year on behalf of this network. However, because of the lack of CAP-PAC resources, I was forced to turn down invitations to political events that would have greatly helped Community Action. Further, because of the lack of NCAF resources, I went without pay in November and December.

In order to stabilize both NCAF and CAP-PAC resources I have decided to dedicate three full days to fundraising next week. The goal is to raise a sufficient amount of funds so I can spend the rest of this year strictly focusing on advocating for Community Action. I hate to give up these three days on the Hill, but I have to. I must do this so I can adequately focus on all of the upcoming opportunities for Community Action. I do not want to worry about organizational resources for the rest of the year. We will be calling the entire network next week, so expect a call from me.

To get a head start on this three-day push, **I am asking you to join CAP-PAC's Club 199 today.** I also ask that you recruit four others within your community to join the cause. Although we greatly hope that you can join Club 199, if you are unable to do so at this time, any contribution will be helpful. After looking at the coming months and upcoming events, I have set a fundraising goal of \$500,000 for CAP-PAC in 2016. Currently, we sit at less than \$1,500. Again, with several key events coming up next week, I need your help now.

While CAP-PAC resources are extremely important, I hope that you do not forget about NCAF. We are the only agency within the Community Action Network that does not take any federal money. Our operation is entirely dependent on support from the agencies--we rely on you to keep operating. **Please take the time to make an NCAF donation today.**

For more than thirty years I have trusted you and you have trusted me, so believe me when I say that I need your help now. I will gladly work with you in any way to raise resources for either CAP-PAC or NCAF, just let me know how I can help. Again, I truly believe that 2016 can be a banner year for Community Action. However, I need your support to ensure that is the case.

Sincerely,

David Bradley
Executive Director
National Community Action Foundation

**WORKING w/PERSONNEL POLICIES for CAA's
(EXEMPT EMPLOYEES)**

Working with Personnel Policies and Procedures for CAA's... CAPLAW Attorney Network Webinar

exerts taken from New DOL salary requirements for exempt employees



Key Facts

- Goes into effect December 1, 2016
- Minimum salary for exempt employees with salary requirements increased from \$455/week (\$23,660/year) to \$913/week (\$ 47,476/year)
 - Amount will be automatically adjusted every 3 years
- Up to 10% of salary may include non-discretionary commissions, incentives, and bonuses
- Highly compensated employee exemption increased from \$100,000 to \$ 134,004 per year
- Anticipated to make 4.2 million more employees non-exempt

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Impact on CAAs

- Significant number of employees likely to become non-exempt
- Employees may continue to be paid on salary basis, rather than hourly, but CAA must track and pay for all hours worked, and pay time and a half for hours over 40 in one week
 - Determine hourly wage by dividing regular weekly salary by regularly scheduled number of hours
- If total compensation increases, include increase in funding budgets

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Employer Options

- If employee doesn't work over 40 hours, reclassify to non-exempt and track hours, but no other change needed
- If employee does work over 40 hours now, employer may:
 - Raise salary to keep employee exempt
 - Maintain existing salary for regular hours and pay extra for additional hours (including time and a half for hours over 40);
 - Lower salary (but not below minimum hourly wage) and pay for additional hours;
 - Convert to hourly pay and pay for all hours worked; or
 - Limit hours to 40

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DOL Rule and Guidance

- 29 CFR Part 541
- DOL Guidance for Non-Profit Organizations on Paying Overtime under the Fair Labor Standards Act (May 2016):
 - <https://www.dol.gov/whd/overtime/final2016/nonprofit-guidance.pdf>
 - Good examples of implementation of rule and coverage for employees of nonprofits

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**GUIDANCE for NONPROFIT ORGANIZATIONS
(PAYING OVERTIME)**



Guidance for Non-Profit Organizations on Paying Overtime under the Fair Labor Standards Act

May 18, 2016

Introduction

The Department of Labor (“Department”) recognizes and values the enormous contributions that non-profit organizations make to the country. Non-profit organizations provide services and programs that benefit vulnerable individuals in a variety of facets of life, including services that benefit those who the Department also works to protect by ensuring that their workplaces are fair, safe, and secure. The wide variety of non-profit organizations, from neighborhood activity organizations and small social service providers, to large health care providers and cultural institutions, also play an important role in the U.S. economy, employing millions of workers who provide these critical services and opportunities nationwide.

The Department’s Final Rule on Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees under the Fair Labor Standards Act (FLSA) (the “Overtime Rule” or “Final Rule”) updates the salary level required for the executive, administrative, and professional (“white collar”) exemption to ensure that the FLSA’s intended overtime protections are fully implemented, and to simplify the identification of overtime-exempt employees. The Final Rule strengthens overtime protections and provides greater clarity for

workers and employers across a wide range of sectors, including non-profit organizations. As with most employees, the minimum wage and overtime provisions of the FLSA generally apply to employees at non-profits. This is not a change from the longstanding requirements of the FLSA. Non-profit employers, however, like other employers, are not required to pay minimum wages or overtime to executive, administrative, and professional employees who satisfy the salary level and other requirements to meet one of the white collar exemptions.

In the Final Rule, the Department updated the salary level above which certain “white collar” workers may be exempt from overtime pay requirements to equal the 40th percentile of earnings of full-time salaried workers from the lowest wage Census Region. This change raises the salary level from its previous amount of \$455 per week (the equivalent of \$23,660 per year) to a new level of \$913 per week (the equivalent of \$47,476 per year). Salaried white collar employees paid below the updated salary level are generally entitled to overtime pay, while employees paid at or above the salary level may be exempt from overtime pay if they primarily perform certain duties. The Final Rule also raises the compensation level for highly compensated employees subject to a more minimal duties test from its previous amount of \$100,000 to \$134,004 annually. These

changes take effect on December 1, 2016. The Final Rule also establishes a mechanism for automatically updating the salary and compensation levels every three years, with the first update to take place in 2020. The Final Rule does not include any changes to the duties tests, which also affect the determination of who is exempt from overtime.

The Department is issuing this guidance because during the development of the Final Rule, numerous organizations asked for clarification regarding how the FLSA generally, and the white collar exemptions specifically, apply to the non-profit sector. Additionally, the rulemaking process has brought into focus several issues and misunderstandings about the FLSA's decades-long applicability to non-profits. Finally, because many non-profit organizations also engage in activities such as charitable functions and utilizing volunteers, both of which distinguish them from for-profit entities, this additional guidance may provide greater clarity about options and obligations under the FLSA. Part I of this guidance explains enterprise and individual coverage under the FLSA. Part II summarizes the white collar exemptions, and Part III details some of the options employers may exercise to ensure they comply with the Final Rule.

I. Coverage under the FLSA

In order to be subject to minimum wage and overtime requirements and thus qualify for the Act's protections, employees must be "covered" by the FLSA. Coverage under the FLSA is usually achieved in one of two ways: (1) the organization is a covered enterprise; or (2) a particular worker is individually covered. While many non-profit organizations may not be covered enterprises under the FLSA, most non-profits are likely to have some employees who are covered individually and are therefore entitled to the minimum wage and overtime protections guaranteed by the FLSA. The Final Rule updating the overtime regulations for white collar employees did nothing to change this. However, in view of this rulemaking, non-profit organizations may be re-examining the rules governing FLSA coverage, and so the Department believes it is helpful to restate these longstanding coverage concepts. This guidance, however, is not a comprehensive guide to coverage and compliance under the FLSA. For additional detailed guidance documents, please visit the Wage and Hour Division's website at dol.gov/whd.

A. Enterprise Coverage

To meet the enterprise coverage test, meaning that all employees working for that enterprise are covered by the FLSA's protections unless an exemption applies, an entity must have annual revenues, that is, volume of sales made or business done, of at least \$500,000.

As a general matter, non-profit organizations are **not** covered enterprises under the FLSA unless they engage in ordinary commercial activities that result in sales made or business done that meet the \$500,000 threshold. Ordinary commercial activities are activities such as operating a business, like a gift shop. Activities that are charitable in nature, however, are not considered ordinary commercial activities, and do not establish enterprise coverage. Examples of activities that are charitable in nature and normally provided free of charge include the following:

- providing temporary shelter;
- providing clothing or food to homeless persons;
- providing sexual assault, domestic violence, or other hotline counseling services; and
- providing disaster relief provisions.

In determining whether a non-profit organization is a covered enterprise, the Wage and Hour Division (WHD) considers only activities performed for a business purpose. Additionally, income that a non-profit organization uses in furtherance of charitable activities is not factored into the \$500,000 threshold. Such income might include contributions, membership fees, monetary and non-monetary donations, and dues (except for any portion for which the payer receives a benefit of more than token value in return).

Some non-profit organizations engaged in charitable activities may also manage revenue-producing activities that may bring the organization within the scope of the FLSA. If this side business produces revenue of at least \$500,000 annually, the non-profit organization's employees are entitled to the protections of the FLSA and the Department's Overtime rule. See [WHD Fact Sheet 14A](#).

Example¹: A non-profit animal shelter provides free veterinary care, animal adoption services, and shelter for homeless animals. Even if the shelter takes in over \$500,000 in donations in a given year, because the shelter engages only in charitable activities that do not have a business purpose,

¹ All examples in this guidance are for purposes of illustration alone. Alteration of any of the facts in any of the examples could change the resulting analysis.

employees of the animal shelter are not covered on an enterprise basis.

Example: A non-profit organization operates a thrift store in which its employees sell donated items. The thrift store is engaged in commercial activity by selling goods. If the thrift store on its own generates revenue of at least \$500,000 in a year, the non-profit's employees are protected by the FLSA on an enterprise basis and are entitled to minimum wage and overtime protection unless a specific exemption applies.

Example: A non-profit organization operates a sandwich shop. Many of the employees that work in the restaurant, including cooks and wait staff, are individuals who were recently homeless. Even though the restaurant's operation includes charitable purposes, the restaurant is engaged in ordinary commercial activities as it competes with other restaurants. If it generates revenue of at least \$500,000 a year, the restaurant employees are protected by the FLSA on an enterprise basis and are entitled to minimum wage and overtime unless a specific exemption applies.

Regardless of the dollar volume of business, the FLSA applies to hospitals; institutions primarily engaged in the care of older adults and people with disabilities who reside on the premises; schools for children who are mentally or physically disabled or gifted; federal, state, and local governments; and preschools, elementary and secondary schools, and institutions of higher education. Accordingly, employees at these types of institutions (commonly referred to as "named enterprises") are entitled to minimum wage and overtime protections unless a specific exemption applies.

B. Individual Coverage

Organizations that are not covered on an enterprise basis likely still have some employees who are covered individually and are therefore entitled to the FLSA's protections.

Individual employee coverage is based on the nature of the particular employee's work activities. An employee who engages in interstate commerce or in the production of goods for interstate commerce is covered by the FLSA. Employees whose work involves or relates to the movement of persons or things across state lines are also considered engaged in interstate commerce. Such activities include:

- making out-of-state phone calls;
- receiving/sending interstate mail or electronic communications;
- ordering or receiving goods from an out-of-state supplier; and
- handling credit card transactions or performing the accounting or bookkeeping for such activities.

The Department, however, will not assert that an employee, who on isolated occasions spends an insubstantial amount of time performing such work, is individually covered by the FLSA. Additionally, even where an employee regularly engages in interstate commerce and is individually covered, the Department focuses its enforcement efforts on circumstances where it can have significant impact on compliance, generally where there is enterprise coverage.

Example: An office manager at a non-profit organization regularly sends e-mails to out-of-state suppliers to purchase office materials and equipment. The employee is individually covered by the FLSA and entitled to its protections, including receiving minimum wage and overtime unless a specific exemption applies.

Example: An employee works at a homeless shelter that regularly receives food and clothing donations from corporations located across state borders. The employee's job duties consist of receiving and logging these donations. The employee is individually covered by the FLSA and entitled to its protections, including receiving minimum wage and overtime unless a specific exemption applies.

Example: An employee works at a shelter for domestic violence victims. The employee does not regularly use the telephone or computer for interstate communications and works only with clients from within the state. Because the employee is not engaged in substantial levels of activities involving interstate commerce, the employee is not covered by the FLSA on an individual basis.

II Considerations for Non-Profit Organizations in Applying the White Collar Exemptions

The Overtime Rule does not change how the white collar exemptions' duties tests apply to non-profit organizations. Nevertheless, a review of the baseline white collar exemption requirements will help clarify what has changed as a result of the Final Rule.

In the Final Rule, among other things, the Department updated the salary level from its previous amount of \$455 per week (the equivalent of \$23,660 per year) to \$913 per week (the equivalent of \$47,476 per year). The salary level is one of three tests for determining whether employees employed as executive, administrative, or professional employees are exempt from the FLSA's minimum wage and overtime requirements. See 29 U.S.C. 213(a)(1); 29 CFR Part 541. These exemptions are sometimes referred to collectively as the "white collar" exemptions. The Final Rule also made changes to the highly compensated employee exemption and how bonuses are treated for purposes of determining an employee's exempt status; those issues are not addressed in this guidance. For additional information on the Final Rule visit dol.gov/whd/overtime/final2016/.

Establishing that a white collar employee is exempt from the FLSA's minimum wage and overtime requirements involves assessing how the employee is paid (salary basis test), how much the employee earns (salary level test), and whether the employee primarily performs the kind of job duties that Congress meant to exclude from the law's overtime protections (duties test). Job titles never determine exempt status under the FLSA. Additionally, receiving a particular salary, alone, does not indicate that an employee is exempt from overtime and minimum wage protections. Rather, in order for a white collar exemption to apply, an employee's specific

job duties and earnings must meet all of the applicable requirements provided in the regulations. Not all salaried white collar employees qualify for the white collar exemptions; in fact, many salaried white collar employees are entitled to minimum wage and overtime.

Professional Exemption. There are several different kinds of exempt "professional" employees. These include "learned professionals," "creative professionals," teachers, and employees practicing law or medicine. Under the Final Rule, exempt professional employees must receive at least \$913 a week (the equivalent of \$47,476 a year) on a salary or fee basis (compared to \$455 a week under the old rule), and must primarily perform work that either requires advanced knowledge in a field of science or learning, usually obtained through a degree, or that requires invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

Many non-profits may employ certain professionals who will be unaffected by the new salary level. Specifically, the salary level and salary basis requirements do not apply to teachers, lawyers, or doctors ("bona fide practitioners of law or medicine"). See [WHD Fact Sheet 17D](#).

Example: A non-profit legal clinic hires an attorney with a law degree. The attorney performs legal work for the clinic. The attorney is a bona fide professional, exempt from the FLSA's provisions, regardless of whether she is paid on a salary basis or meets the salary level.

Administrative Exemption. To qualify for the administrative exemption, an employee must receive at least \$913 a week (the equivalent of \$47,476 a year) on a salary or fee basis, and the employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers. Additionally, the employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. See [WHD Fact Sheet 17C](#).

Executive Exemption. To qualify for the executive exemption, an employee must receive compensation on a salary basis of not less than \$913 per week (the equivalent of \$47,476 a year), and have the primary duty of managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise. Additionally, the employee must customarily and regularly direct the work of at least two other full-time employees or their equivalent (for example, one full-time and two half-time employees

Job titles never determine exempt status under the FLSA. Additionally, receiving a particular salary, alone, does not indicate that an employee is exempt from overtime and minimum wage protections.

Basic Requirements for Claiming a White Collar Exemption under the Standard Duties Test

	EXECUTIVE	ADMINISTRATIVE	PROFESSIONAL
Salary Basis Test	<ul style="list-style-type: none"> Employee must be paid on a salary basis 	<ul style="list-style-type: none"> Employee must be paid on a salary or fee basis 	<ul style="list-style-type: none"> Employee must be paid on a salary or fee basis
Standard Salary Level Test	<ul style="list-style-type: none"> \$913 per week (\$47,476 per year for a full-year worker) 	<ul style="list-style-type: none"> \$913 per week (\$47,476 per year for a full-year worker) Special salary level for certain academic administrative personnel 	<ul style="list-style-type: none"> \$913 per week (\$47,476 per year for a full-year worker) Salary level test does not apply to doctors, lawyers, or teachers
Standard Duties Test	<ul style="list-style-type: none"> The employee's "primary duty" must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise (and managing 2 full-time employees as well). Additional requirements provided in 29 CFR 541 Subpart B 	<ul style="list-style-type: none"> The employee's "primary duty" must include the exercise of discretion and independent judgment with respect to matters of significance. Additional requirements provided in 29 CFR 541 Subpart C 	<ul style="list-style-type: none"> The employee's "primary duty" must be to primarily perform work that either requires advanced knowledge in a field of science or learning or that requires invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor. Additional requirements provided in 29 CFR 541 Subpart D

are equivalent to two full-time employees), and have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight. See WHD Fact Sheet 17B.

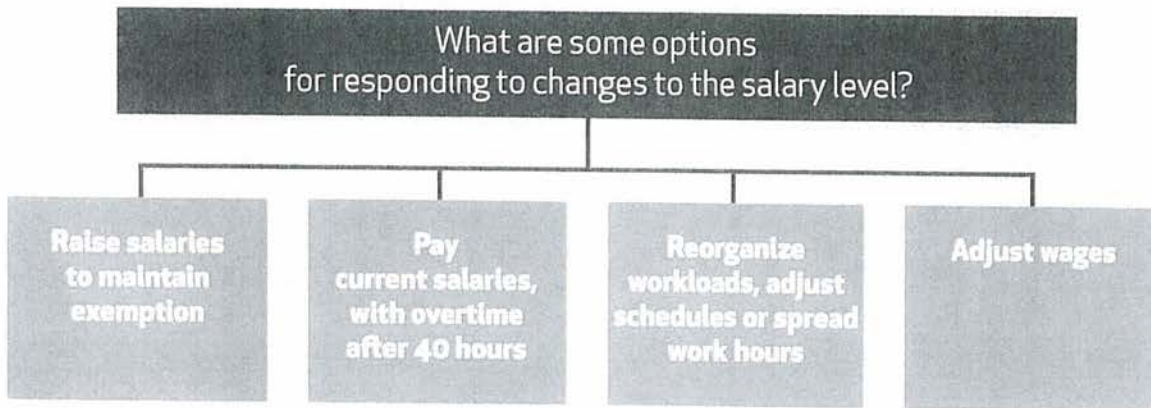
For more information on all of the white collar exemptions, see WHD Fact Sheet #17A: Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees under the Fair Labor Standards Act (FLSA).

III Options for Compliance for Employers Who Might be Impacted by the Final Rule

Like other employers, non-profit organizations have a wide range of options for responding to the changes to the salary level, and the Department does not dictate or recommend any method. Non-profit organizations may ensure compliance for those employees affected by the Final Rule in a number of ways, including providing pay raises that increase workers' salaries to the new threshold, spreading employment by reducing or eliminating work hours of individual employees working

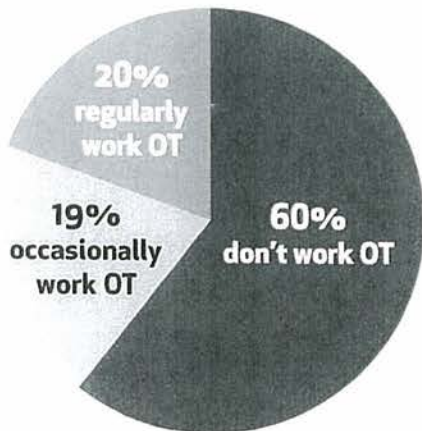
over 40 hours per week for which no overtime is being paid, or paying overtime. This rule does not require employers to convert a salaried worker making less than the new salary threshold to hourly

Overtime-eligible employees may be paid a salary and do not need to be paid on an hourly basis. That is, **salaried workers may be eligible for overtime.**



status: employers can pay non-exempt employees on a salary basis and pay overtime for hours worked beyond 40 in a week. As long as they are complete and accurate, employers may use any method they choose for tracking and recording hours. The method for compliance, which is entirely within each employer’s discretion, will likely depend on the circumstances of that institution’s workforce, including how much employees currently earn and how often employees work overtime, and may include a combination of responses, such as paying overtime and adjusting employees’ hours and schedules. Some potential responses for non-profit organizations are discussed below.

Most affected employees do not work overtime (OT)



**Totals don't sum to 100 due to rounding. For more information, please see Section VI of the Final Rule.*

A. Numerous Options for Compliance

i. After evaluation, no changes to pay or hours necessary

Many non-profit organizations may have white collar employees who satisfy one of the duties tests for exemption and earn between the old salary level (\$455 per week) and the new salary level (\$913 per week). Employers should evaluate all such categories of white collar employees to determine which employees do not work more than 40 hours per workweek. The Final Rule will have no effect on these employees’ pay because they do not work any overtime even though they will become overtime-protected. They can continue to be paid a salary as before.

Example: The manager of an out-patient clinic performs the duties of a bona fide administrator and is paid a fixed salary of \$42,000 a year. The clinic is open from 10am-4pm, Tuesday through Saturday. The manager regularly works from 9am-5pm, Tuesday through Saturday. Because of the change in the salary level, the manager is no longer an exempt employee. Nevertheless, the Final Rule has no impact on the manager’s pay, because the manager does not work more than 40 hours in a given week. The clinic can continue to pay the manager a fixed salary of \$42,000 a year.

ii. Raise salaries

Employers may choose to raise the salaries of employees who meet the duties tests, whose salaries are close to the new salary level, and who regularly work

overtime, to at or above the salary level to maintain their exempt status.

Example: An operations manager at an international human rights non-profit organization is paid a salary of \$45,000 a year. Her job duties qualify her for the administrative exemption. The manager's job requires regularly working overtime to direct business operations in multiple time zones. The employer may choose to raise the manager's salary to at or above \$47,476 a year to maintain the manager's administrative exemption.

iii. Pay overtime above a salary

Employers also can continue to pay employees a salary and pay overtime for hours in excess of 40 per week. Although the FLSA requires employers to keep records of how many hours overtime-eligible employees work, the law does not require that overtime-eligible workers be paid on an hourly basis. Rather, non-profit organizations may continue to pay employees a salary covering a fixed number of hours, which could include hours above 40. There are several ways to pay a salary and pay overtime.

An employer might pay employees a salary for the first 40 hours of work per week, and then pay overtime for any hours over 40. Employers may choose to do this, for example, for employees who work 40 hours per week and do not frequently work overtime, or who do not consistently work the same amount of overtime.

Example: Alexa, a development manager for a cultural institution, earns a fixed salary of \$41,600 per year (\$800 per week) for a 40 hour workweek. Because her salary is for 40 hours per week, Alexa's regular rate is \$20 per hour. If Alexa works 45 hours one particular week, the employer would pay time and one-half (overtime premium) for five hours at a rate of \$30 per hour. Thus, for that week, Alexa should be paid \$950, consisting of her \$800 per week salary and \$150 overtime compensation.

Employers also have the option of paying a straight time salary for more than 40 hours in a week for employees who regularly work more than 40 hours, and paying overtime in addition to the salary. Using this method, the employer will only be required to pay an additional half time overtime premium for overtime hours already included within the salary, and time and a half for hours beyond those included in the salary.

Employers can also pay non-exempt employees on a salary basis and pay overtime for hours worked beyond 40 in a week. **As long as they are complete and accurate, employers may use any method they choose for tracking and recording hours.**

Non-profit organizations may already have systems in place for tracking non-exempt employees' hours. **These existing systems can be used** for newly overtime-protected employees impacted by the Overtime Rule.

Example: Jamie, an HR manager at a community loan fund, earns a fixed salary of \$44,200 per year (\$850 per week) for a 50 hour workweek. The salary does not include the overtime premium. Because the salary is for 50 hours per week, Jamie's regular rate is \$17 (\$850/50). In a normal 50 hour week, the employer would pay Jamie the additional half time overtime premium for the 10 hours of overtime (\$8.50 per hour). If Jamie worked more than 50 hours in a week, the employer would also owe overtime compensation at time and a half the regular rate (\$17 x 1.5) for hours beyond 50 (because the salary does not cover any payment for those hours).

It is also possible for an employer and employee to agree to a fixed salary for a workweek of more than 40 hours, in which the salary includes overtime compensation under certain conditions. If, however, the employee's schedule changes in any way during any week (either by working more or fewer hours), the employer must adjust the salary for that week. Employees must be paid based on the hours actually worked during the workweek. This method of paying for overtime, therefore, might be most helpful for employees who consistently work the same amount of overtime every week.

Example: Andre, a program manager at a non-profit organization, has an agreement with his organization where he is paid a fixed salary of \$39,520 per year (\$760 per week) for a 45 hour workweek. The fixed salary includes both straight time for the first 40 hours (\$16 regular rate x 40 hours) and overtime compensation for hours 41-45 (\$24 overtime rate x 5 hours). If Andre's schedule changes in any way for any week, his salary needs to be adjusted to reflect the hours actually worked for that week.

Finally, where employees have hours of work that fluctuate from week to week, employers can pay a fixed salary that covers a fluctuating number of hours at straight time if certain conditions are met, including a clear mutual understanding between the employer and employee. *See* 29 CFR 778.114 for additional information and criteria for this payment method.

Any overtime-eligible employee may continue to be paid a salary, provided that overtime compensation is also paid and appropriately documented in the employer's record. Non-profit organizations may already have systems in place for tracking non-exempt employees' hours. These existing systems can be used for newly overtime-protected employees impacted by the Overtime Rule. As long as they are complete and

accurate, employers may use any method they choose for recording hours. Employers may use their own system to keep track of employees' work hours or require employees to enter their own time into payroll programs. See WHD Fact Sheet #21: Recordkeeping Requirements under the Fair Labor Standards Act (FLSA).

There is no requirement that employees "punch in" and "punch out." An employer does not need to require an employee to sign in each time she starts and stops work. The employer must, however, keep an accurate record of the number of daily hours worked by the employee. To do so, an employer could allow an employee to just provide the total number of hours worked each day, including the number of overtime hours, by the end of each pay period. For employees who work a fixed schedule, a non-profit organization need not track the employee's exact hours worked each day; rather, the employer and employee can agree to a default schedule that reflects daily and weekly hours, and indicate that the employee followed the agreed-upon schedule, if that is true. Only when the employee deviates from the schedule is the employer required to record the number of hours worked each day. Many employees, both exempt and non-exempt, track their daily and weekly hours by simply recording their hours worked for the employer.

iv. Reorganize Workloads, Adjust Schedules or Spread Work Hours

Employers may wish to reorganize workload distributions or adjust employee schedules in order to comply with the Final Rule. For example, work assignments that are predictable could be assigned at the beginning of the workweek (rather than, for instance, late in the day on Friday for an employee who typically works Monday–Friday) in order to manage overtime hours. Or, when employees regularly perform duties outside of a 9 to 5 workday, non-profit organizations may consider adjusting those employees' schedules to encompass when most of the work takes place, so that they will not work more than 40 hours each workweek. (The FLSA does not specify days or schedules, such as a Monday–Friday workweek or a 9 to 5 workday; this is provided only as an example of a schedule that many workers follow.)

Example: John, a manager at a charity consignment shop (subject to FLSA coverage) who satisfies the duties test, currently begins work at 8am Monday–Friday. Under the Final Rule's new salary level, he would be newly entitled to overtime compensation. Among other duties, John accepts donations to the shop from donors, and the busiest time for drop-offs is always between 4pm–6pm,

so John routinely works until 6:30pm. The shop may wish to adjust John's schedule such that he doesn't need to begin work until 10am, thus limiting the number of overtime hours he works.

To reduce or eliminate overtime hours, employers may decide to hire new employees or redistribute work hours in excess of 40 across current staff, such as by increasing the work hours of staff who work less than 40 hours per week.

v. Adjust Wages

Employers can adjust the amount of an employee's earnings to reallocate it between regular wages and overtime so that the total amount paid to the employee remains largely the same. Employers may not, however, reduce an employee's hourly wage below the highest applicable minimum wage (federal, state, or local), or continually adjust wages each workweek in order to manipulate the regular rate. The employees' hours worked must still be recorded, and overtime must be paid according to the actual number of hours worked each week.

Example: Assume a fundraising supervisor at a non-profit who satisfies the duties test for the executive exemption earns \$37,000 per year (\$711.54 per week). The supervisor regularly works 45 hours per week. The employer may choose to instead pay the employee an hourly rate of \$15 and pay time and one-half for the 5 overtime hours worked each week.

\$600.00 (40 hours x \$15 / hour)

+ \$112.50 (5 OT hours x \$15 x 1.5)

\$712.50 per week

Alternatively, the employer may choose to pay that employee a salary for 40 hours of \$600 per week and pay the overtime for hours in excess of 40 per week.

\$600.00 (salary for 40 hours/week, equivalent to \$15/hour)

+ \$112.50 (5 OT hours x \$15 x 1.5)

\$712.50 per week

B. Use of Volunteers

Unlike most other employers, some non-profit organizations may use volunteer services if certain conditions are met. The Final Rule in no way changes the rules governing when non-profit organizations may use volunteers, but as non-profit organizations evaluate the classification of their employees in light of the Final Rule, they may have questions about the appropriate use of volunteers, which is briefly addressed here.

A volunteer generally will not be considered an employee for purposes of the FLSA if the individual volunteers freely for public service, religious, or humanitarian objectives, and without contemplation or receipt of compensation. Under the FLSA, employees may not volunteer services to for-profit private sector employers. Also, individuals generally may not volunteer in commercial activities run by a non-profit organization (such as a gift shop).

Under the FLSA, a person who works in a volunteer role must be a bona fide volunteer. Some examples of the many ways in which volunteers may contribute to an organization include:

- members of civic organizations may help out in a community rehabilitation program,
- men's or women's organizations may send members to adult day care centers to provide certain personal services for the sick or elderly;
- individuals may volunteer to perform such tasks as driving vehicles or assisting with disaster relief; and
- individuals may volunteer to work with children with disabilities or disadvantaged youth, helping in youth programs as camp counselors, scoutmasters, den mothers, providing child care assistance for needy working parents, soliciting contributions or participating in benefit programs for such organizations, and volunteering other services needed to carry out their charitable, educational, or religious programs.

Generally, volunteers serve on a part-time basis and should not displace employees or perform work that would otherwise typically be performed by employees. Additionally, paid employees of non-profit organizations

may not volunteer to provide the **same type** of services to the non-profit organization that they are otherwise typically employed to provide.

Example: A non-profit medical clinic has an office manager who handles office operations and procedures. The clinic hosts an annual 5K fun run in order to raise funds for its free services. In past years, the office manager also spent time on race day working by registering runners the morning of the run. Newly non-exempt under the Final Rule, the non-profit clinic may permissibly choose to utilize more volunteers this year to register runners instead of tasking the office manager with that assignment (provided all the conditions for bona fide volunteers are met), thus avoiding the accumulation of overtime hours in that week for the office manager.

Example: Using the same facts as above, many other individuals from the community volunteer on race day. The volunteer activities, such as packet pickups, course marshaling, water distribution, and staffing food tables at the finish line, are activities that are not typically performed by employees of the medical clinic. Based on these facts, the individuals are likely bona fide volunteers.

As noted, volunteer work is performed without the expectation of compensation.

IV Conclusion

As with most employees, the minimum wage and overtime provisions of the FLSA generally apply to employees at non-profit agencies. This is not a change, as neither the FLSA nor the Department's regulations provide an exemption from the law's requirements for non-profit organizations. Given the potential impact of the Final Rule on non-profit organizations, the Department is issuing this guidance to clarify the longstanding application of the white collar exemptions in the non-profit context to assist non-profit organizations in understanding their options and obligations under the Final Rule.

For additional information, please visit www.dol.gov/whd.

CAA PROCLAMATIONS



PROCLAMATION

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

WHEREAS, Community Action Agencies have a 50 year history of promoting self-sufficiency for those with limited income; and

WHEREAS, Community Action Agencies have made an essential contribution to individuals and families in Florida by providing them with innovative and cost-effective programs; and

WHEREAS, Community Action Agencies are needed as a major participant in the reform of the welfare system as we know it; and

WHEREAS, welfare reform in Florida has benefited from the state's partnership with Community Action Agencies; and

WHEREAS, those with limited income need opportunities to improve their life and living conditions, thus ensuring that all citizens are able to live with dignity; and

WHEREAS, Florida and the entire United States must continue to promote economic security by providing support and opportunities for all citizens in need of assistance.

NOW, THEREFORE, I, R. HOWARD WIGGS, as Mayor of the City of Lakeland, Florida, do hereby proclaim May 2016 as

COMMUNITY ACTION MONTH

in the city of Lakeland in recognition of the hard work and dedication of Lakeland's Community Action Agencies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Lakeland to be affixed this 16th day of May 2016.



R. Howard Wiggs, Mayor
Lakeland, Florida



Proclamation

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and,

WHEREAS, Community Action Agencies have a 50-year history of promoting self-sufficiency for the limited income; and,

WHEREAS, Community Action Agencies have made an essential contribution to individuals and families in Florida by providing them with innovative and cost-effective programs; and,

WHEREAS, Community Action Agencies are needed as a major participants in the reform of welfare system as we know it; and,

WHEREAS, welfare reform in Florid has benefitted from the state's partnership with community action agencies; and,

WHEREAS, Florida and the entire United States must continue to promote economic security by providing support and opportunities for all citizens in need of assistance;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Bartow, Florida, do hereby proclaim the month of May 2016 as:

"Community Action Month"

in the City of Bartow, Florida in recognition of the hard work and dedication of Bartow's Community Action agencies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bartow, Florida, to be affixed this 2nd day of May, 2016.

CITY OF BARTOW

By: _____

Mayor

ATTEST WITH SEAL:

By: _____

City Clerk Jacqueline Poole





PROCLAMATION

Community Action Month

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

WHEREAS, Community Action Agencies have a history of promoting self-sufficiency for the limited income; and

WHEREAS, Community Action Agencies have made an essential contribution to individuals and families in Florida by providing them with innovative and cost-effective programs; and

WHEREAS, Community Action Agencies are needed as a major participant in the reform of the welfare system as we know it; and


WHEREAS, welfare reform in Florida has benefited from the State's partnership with Community Action Agencies; and

WHEREAS, the limited income continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and

WHEREAS, Florida and the entire United States must continue to promote economic security by providing support and opportunities for all citizens in need of assistance;

NOW, THEREFORE, WE, the City Commission of the City of Clewiston, Florida do hereby proclaim the month of May 2016 as **COMMUNITY ACTION MONTH** in the City of Clewiston.

Signed this 16th day of May, 2016.


Kathy Combass, Interim City Clerk


Phillip Roland, Mayor

WINTER HAVEN

The Chain of Lakes City

Proclamation

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

and

WHEREAS, Community Action Agencies have a 50-year history of promoting self-sufficiency for the limited income; and

and

WHEREAS, Community Action Agencies have made an essential contribution to individuals and families in Florida by providing them with innovative and cost-effective programs; and

and

WHEREAS, Community Action Agencies are needed as major participants in the reform of the welfare system as we know it; and

and

WHEREAS, welfare reform in Florida has benefited from the state's partnership with Community Action Agencies; and

and

WHEREAS, the limited income continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and

and

WHEREAS, Florida and the entire United States must continue to promote economic security by providing support and opportunities for all citizens in need of assistance.

and

NOW, THEREFORE, I, Bradley Dantzler, Mayor of the City of Winter Haven, Florida, do hereby proclaim the month of May 2016, as


COMMUNITY ACTION MONTH

in the City of Winter Haven and extend continued support for the efforts of local agencies to promote water safety in Polk County.


and

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Winter Haven, Florida, to be affixed this 9th day of May, 2016.





Bradley Dantzler, Mayor

ATTEST:


Vanessa Castillo, CMC, City Clerk

PROCLAMATION

Whereas, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

Whereas, Community Action Agencies have a 50-year history of promoting self-sufficiency for the limited income; and

Whereas, Community Action Agencies have made an essential contribution to individuals and families in Florida by providing them with innovative and cost-effective programs; and

Whereas, Community Action Agencies are needed as major participants in the reform of welfare systems as we know it; and

Whereas, welfare reform in Florida has benefited from the state's partnership with Community Action Agencies; and

Whereas, the limited income continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizen are able to live in dignity; and

Whereas, Florida and the entire United States must continue to promote economic security by providing support and opportunities for all citizens in need of assistance;

NOW, THEREFORE, I John Shoop, Mayor of the City of Sebring do hereby proclaim May 2016, as

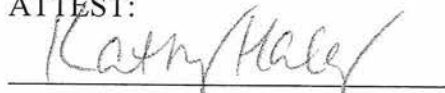
COMMUNITY ACTION MONTH

in the City of Sebring, Florida in recognition of the hard work and dedication of Sebring's Community Action Agencies.

In witness thereof, I have hereunto set my hand and caused the great seal of the City of Sebring, Florida this 4th, day of May in the year of Our Lord two thousand sixteen.


John Shoop, Mayor

ATTEST:


Kathy Haley, CMC, City Clerk

Kathy Haley, CMC, City Clerk



BOARD & ADMINISTRATOR

Board & Administrator

FOR BOARD MEMBERS

May 2016 Vol. 32, No. 9

Editor: Jeff Stratton

Ignoring 'who speaks for the nonprofit' rule embarrasses this organization

The National Rifle Association suffered an embarrassing breach of board protocol when longtime board member and rocker Ted Nugent lashed out against prominent "American Jews as the men and women 'really behind gun control,'" the *Chicago Tribune* reported.

Nugent vented his spleen on Facebook, "calling Sen. Dianne Feinstein, D-Calif., 'Jew York City Mayor Mikey Bloomberg,' former senator Carl Levin, D-Mich., and Harvard law professor Alan Dershowitz, among many others, 'punks' who would 'deny us the basic human right to self defense and to keep and bear arms while many of them have paid hired armed security,'" the *Tribune* reported.

Nugent's actions drew support from anti-Semitic and neo-Nazi groups.

An NRA spokeswoman told *The Washington Post* that "individual board members do not speak for the NRA," according to the *Tribune*.

Nugent's antics prompted calls for his removal from the board.

Your board will probably never face an issue as contentious as the right to keep and bear arms. Yet if you think it through, there are decisions the

board makes that can be contentious, and programs and services that your organization provides may be very controversial in your community and within your stakeholder group.

That is why it is important for your board to have in place policy language about "who speaks for the board." In most cases, this individual is the board chairman or the executive director.

It's also important that the board review its commitment to "speaking with one voice." Contentious issues can lead a lone-wolf disgruntled board member to speak out publicly about his or her dissatisfaction.

It pays to remind board members that when the board votes, it has spoken and it is then the board member's job to support that decision even when he or she is in the minority.

To head off problems in this area, the chair, during board deliberations, should ensure all board member views receive a fair hearing. When board members believe they have had their say, they are far less likely to turn to the media, social media or other stakeholders to express their displeasure over a board decision.

For more information, go to <http://goo.gl/YuBZhg>. ■

Protect the organization from 'mischief' with the bylaws

In consultant Terrie Temkin's experience (*terrie.temkin@corestrategies4nonprofits.com*), misuse of the nonprofit's bylaws occur inadvertently or out of expediency, rather than due to someone working the bylaws to their advantage—but it does

happen, she said.

And when it does occur, it has great potential to create mischief.

"Someone may choose to use the bylaws to

continued on page 2

continued from page 1

their advantage,” Temkin said (CoreStrategies for Nonprofits Inc.). Those types of people tend to be bylaws “wonks” who know what the bylaws are and then use them as a club to accomplish what they want, she said.

Misuse of bylaws is often made worse if the organization’s protocol for parliamentary procedure is Robert’s Rules of Order, Temkin said. “That’s because Robert’s is so complex, and requires so many steps, that if you really understand it you can use it to your advantage with the bylaws,” she said.

Temkin said in her work with nonprofits, problems commonly occur in these areas: board members don’t know what is included in the bylaws, or they are used incorrectly.

1. Board members don’t know what’s in the bylaws.

“This is the most typical type of bylaws problem,” Temkin said.

A board member never sees the bylaws, or the organization has an old copy, or board members may be accustomed to serving on a board from prior board service, Temkin said. “Then, they just assume the rules and regulations are the same,” she said.

So if problems occur under these circumstances, they are not done maliciously. These kinds of bylaws issues, Temkin said, tend to occur when meetings aren’t held when required, the board plays with the number of board members necessary to have a meeting quorum or the voting protocol the board uses is different from what is described in the bylaws.

“These kinds of issues can tip the balance in board decision-making, but it usually occurs for reasons of expediency,” she said.

2. Bylaws are used incorrectly.

- **Board size.** If the board size requirement in the bylaws gets dropped because the organization is looking for new board members, problems can follow. The organization is then put in a position of holding board meetings that are in noncompliance with the bylaws, she said.

“That’s misuse of the bylaws, but not mischief,” Temkin said.

- **Financial protocols.** “When people don’t follow or ignore financial protocols which set out

specific instructions for items such as who signs checks, how many signatures are required and how money is deposited, they do so to the detriment of the organization,” Temkin said.

- **Term limits.** “This is a big area,” Temkin said. It may not be done maliciously, but it still creates problems for boards.

The issue of term limits and boards can be a real psychological challenge for a board, Temkin said. It’s hard to force people who “love” the organization off the board through term limits, Temkin said. This is doubly true when prospective board members are not lining up around the block to join. “This can create a future leadership vacuum for the board when the bylaws are very explicit about term limits and they are ignored,” she said.

Here’s more on how bylaws without term limits can negatively impact the organization: If members serve on the board too long, that can result in a lack of creativity in board thinking, Temkin said. Boards need a breath of fresh air, she said. “Also, cadres of board buddies could start making decisions in their group’s best interests,” she said.

When that occurs, that’s not a decision of the board, but a group.

“Boards need members that are less focused on their buddies,” Temkin said. “They see service as being good for them while they are on the board, and do not look at matters as disinterested parties.” It doesn’t help the organization when members are more interested in retaining their relationships over the good of the nonprofit, she said.

A related problem with board terms and bylaws is the term of office for the board chair. If the chair enjoys being chair and doesn’t want to leave the position when the term is up, that can also be detrimental to the nonprofit, Temkin said.

- **CEO wants change in title and/or powers.** This is typically done when an executive director wants to be president/CEO, Temkin said. The problem occurs when the board makes these changes without changing the bylaws, she said.

“It’s not a bad thing to make this switch, but you first need to look at what powers are granted in the bylaws, and make sure any changes reflect this,” she said. ■

Board & Administrator

FOR BOARD MEMBERS

June 2016 Vol. 32, No. 10

Editor: Jeff Stratton

No individual board member can “commit” the organization

Board Member Fred Johnson is new to the board. He wants to jump in and help right away. He knows the organization has a building that needs a new roof, so he arranges for his buddy to put the roof on and save the nonprofit a tidy sum in the process as well. Oops!

If a board member or a board committee exceeds their authority, that is an insult to the full board. Nothing looks worse than a board member who commits the nonprofit to a course of action when the full board has not agreed upon the matter.

This is why many boards use a policy that limits the individual board member’s authority.

This type of policy reinforces an important concept: A board only has power through its collective vote in a board meeting.

Here’s recommended policy language:

“No committee of the board or individual board member shall have the power to act for the board or to imply an action on the part of the board without specific approval authorized by the board with record of such action in the minutes.

“The board shall not be bound in any way by any action or statement on the part of any individual board member or committee of the board.” ■

Do boards evaluate their CEO each year?

According to *B&A’s Survey on Nonprofit Executive Compensation*, nearly 90% of boards evaluate their executive annually. That’s a praiseworthy number of boards who perform this important governance function!

When the board evaluates the administrator, it not only does its job by ensuring the organization is on track, but it is treating its executive like the professional he or she is as well.

One area where boards could improve slightly, as indicated in the chart below, is the “timeliness” of their evaluation of the CEO. As the chart

shows, only 62% of boards complete the evaluation on time. ■

Administrator evaluation complete on time?

	Percentage
Yes	89%
Complete on time	62%
Late	25%
No response	13%
No	10%
No response	1%

No plan might mean no future for the organization

In Jay Love's recent blog post "Confessions of a Nonprofit Board Member—7 Dos and Don'ts," he argues the organization's strategic plan is a blueprint for the board and staff to follow.

"It helps guide and influence important decisions as well as keeping the core mission and objectives in the forefront and on track," the co-

founder and CEO at Bloomerang wrote.

Make sure your organization "has a current strategic plan, share it in board orientations and use it to drive successful results," Love stated.

For more information, go to <https://goo.gl/rqQPBH>. ■

Easy process for on-time CEO evaluation

It's important for the executive director to receive his or her performance appraisal from the board on time. Here are some reasons why this is necessary:

- The board should have set performance goals for its CEO that were well thought out and designed to improve the performance of the organization and therefore improve its strategic position. If the board is late delivering the appraisal, and monitoring performance on these important goals, it shows a lack of engagement on the board's part.
- Giving the administrator an on-time performance evaluation is an important governance responsibility.
- Your executive director is a professional. Professionals deserve a professional, on-time performance evaluation.

Here is an easy-to-follow process to conduct a timely performance evaluation:

1. The board and administrator meet for a pre-evaluation conference to discuss the goals and objectives of the evaluation, and agree to the use of the form.

2. Board members, under the direction of the board's chairperson, complete an evaluation of the administrator independently using the evaluation form.

3. The board chairperson collates the results and then compiles the evaluation using this full board input. The full board then comes to consensus on the contents of the administrator's evaluation.

4. The board or the board chairperson meets with the administrator to discuss the evaluation results.

5. The executive director responds to the evaluation and the board finalizes its evaluation.

6. The board makes its decision about compensation. ■

B&A: 'Right information in the right format'

Executive Director Robert Benes recently sent me a note in which he described the benefit his board receives from *Board & Administrator*.

"Jeff, I would just like to say that we had a board meeting on Monday and the topic of your publication came up during the director's sharing portion of the agenda," Benes wrote. "One of my board members stated he had to express how outstanding your publication is. Other board

members agreed and remarked that they use the information on other boards they sit on. They said that *Board & Administrator* is 'the right information in the right format.'"

Editor's note: If you believe another board you currently serve on could benefit from a subscription to *Board & Administrator*, please visit <http://www.boardandadministrator.com/subscribe.aspx>. ■

COMMITTEE REPORTING FORM



**THE AGRICULTURAL AND LABOR PROGRAM, INC.
BOARD COMMITTEE REPORT**

INSTRUCTIONS : Complete and submit to the Board Secretary after reporting to the full Board.

Name of Committee	Date of Report
Members Present	Members Absent

- Type of Report**
- Reporting/Updating
 - Recommending Board Action
 - Recommending Policy Changes

Brief Statement of Committee's Issue/Area Reporting:

Brief Background information and possible impact of issue/area (i.e.: Why is it an issue? Will funding, staff utilization, services and/or facility changes be necessary?)

Recommendation for Board Action, if any (State in the form of a motion(s) to be acted upon by the full Board);