

SECTION 1200

GENERAL ADMINISTRATIVE REQUIREMENTS AND ASSURANCES

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SECTION 1200: GENERAL ADMINISTRATION**1201: PURPOSE AND DEFINITIONS**

- A. Purpose: This chapter sets forth various general policies that apply to all Subrecipients of Egyptian AAA administered funds.
- B. Definitions
 - 1. Administration on Aging - The Administration on Aging, also known as Administration on Community Living, under the U.S. Department of Health and Human Services
 - 2. Department on Aging - Illinois Department on Aging
 - 3. EAAA or Egyptian AAA - Egyptian Area Agency on Aging, Inc
 - 4. HHS - U.S. Department of Health and Human Services
 - 5. IDOA - Illinois Department on Aging
 - 6. OAA - Older Americans Act of 1965, as amended
 - 7. Older Americans Act - Older Americans Act of 1965, as amended
 - 8. PSA - Planning and Service Area of Egyptian AAA
 - 9. Subrecipients - providers of service and contractors for Egyptian AAA administered programs

1202: TITLE VI OF THE CIVIL RIGHTS ACT

- A. All Older Americans Act and other Egyptian AAA administered funds must be administered in compliance with Title VI of the Civil Rights Act of 1964 and the regulations (45 CFR Part 80) issued pursuant thereto. In addition, a State of Compliance, HHS Form 441, must be signed by each Subrecipient or subcontractor providing services directly to participants prior to contract.
- B. No Subrecipient may make any distinction because of race, color, sex, religion, national origin, age, or physical handicap in providing individuals with services or other benefits. Subrecipients must maintain written procedures that specify how the Subrecipient will conduct project activities so as to ensure compliance with Title VI provisions.

1203: AFFIRMATIVE ACTION

- A. Egyptian AAA is committed to affirmative action for equal employment opportunity. Affirmative action covers minorities, women, physically handicapped and older persons in quantitative and qualitative terms.
- B. Egyptian AAA adheres to the affirmative action policies and procedures established in this Manual and many legal mandates.
- C. Egyptian AAA requires that all Subrecipients have acceptable affirmative action plans that meet the criteria established by HHS and IDOA as a condition of annual grant / contract approval.
- C. It is the policy of Egyptian AAA to provide technical assistance and training to Subrecipients regarding affirmative action requirements.
- D. Egyptian AAA will periodically monitor the progress of Subrecipients in implementing their affirmative action plans.
- E. Subrecipients, at a minimum, must obtain a statement of assurance from Subrecipients that they will comply with equal employment opportunity principles. Such assurances must commit Subrecipients to providing equal opportunity in carrying out the activities under the project. The Statement of Assurance must be on file with the award document.

1204: OPEN HEARINGS ACT

The Open Meetings Act does not apply to non-profit corporations in Illinois.

1205: CONFIDENTIALITY

- A. Subrecipients must have procedures to ensure that no information about a person, or obtained from an older person by a Subrecipient, is disclosed by the Subrecipient in a form that identifies the person without informed written or documented oral consent of the person or of his or her legal representative, unless the disclosure is required by court order, 45 CFR 74.24, or for other program monitoring by authorized Federal, State, Egyptian AAA, or local monitoring agencies.
- B. Subrecipients must ensure that lists of persons compiled under information and referral services are used solely for the purposes of providing Egyptian AAA administered program services, and only with the informed consent of each individual on the list.
- C. Subrecipients must obtain written assurances from subcontractors that they will comply with the confidentiality requirements of this Manual, as well as, with Federal regulations and Administration on Aging guidelines.

- D. Any Subrecipient that provides services with Egyptian AAA administered funds must maintain its records and reports in a manner consistent with standards of the Department on Aging and Egyptian AAA as set forth in this Manual and as may be modified from time to time.
- E. Subrecipients must ensure that no older person is denied services merely because such person refuses to provide informed written or documented oral consent.
- F. Subject to the confidentiality requirements above, Subrecipients must make available at reasonable times and places to all interested parties the written policies and other information and documents developed or received which are not exempt from the Federal Freedom of information Act in carrying out its responsibilities under Egyptian AAA administered programs.

The Subrecipient is not required to disclose those types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act.

1206: CODE OF CONDUCT

All Subrecipients receiving assistance from Egyptian AAA administered funds must develop and implement a Code of Conduct.

1207: PUBLICATIONS

- A. Any books, reports, newsletters, pamphlets, papers, articles, press releases, publicity or other printed materials for distribution based upon activities receiving support from Egyptian AAA administered funds must contain acknowledgment of that support. The following or similar statement may be utilized by Subrecipients to meet this requirement:

This (report, document, newsletter, press release, etc.) was prepared by (name of preparing agency) with financial assistance from the Administration on Aging, the Illinois Department on Aging, and the Egyptian AAA.

- B. Any books, reports, newsletters, pamphlets, papers, articles, press releases, publicity or other printed materials for distribution must contain a statement that the related activities were conducted in compliance with Title VI of the Civil Rights Act. For convenience, this statement may be combined with the statement of acknowledgment required under paragraph "A" above, if desired.
- C. The Administration on Aging, the Department on Aging, and Egyptian AAA, have certain rights to receive copies of publications and to reproduce such material when it results from activities supported with Egyptian AAA administered funds.
 - 1. The Administration on Aging reserves the option to receive free of charge up to fifteen (15) copies of any publication published as a part of OAA operations and two (2) copies of any publication based on such operations.

2. The Illinois Department on Aging reserves the right to receive free of charge fifteen (15) copies of any publications published utilizing any Federal or State IDOA administered funds.
3. Egyptian AAA reserves the right to receive free of charge two (2) copies of any publications published utilizing Egyptian AAA administered funds.
4. Where these activities result in a book or other copyrighted material, the author is free to obtain a copyright, but the Administration on Aging, the Department on Aging, and Egyptian AAA reserve a royalty free non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all such materials.

SECTION 1210: APPEAL PROCESS

The following procedures are required for the conduct of fair hearings:

- A. Any applicant / Subrecipient may request, in writing, a hearing whose application to provide services under the Area Plan is denied or whose grant or contract is terminated or not renewed except as provided in 45 CFR Part 74 Subpart M.
- B. Any written request for a hearing not filed within ten (10) calendar days following the date of the notice of adverse action, as defined in "1" above, may be dismissed by the Egyptian AAA.
- C. The hearing process is initiated effective with the date a timely written request for a hearing is received by the Egyptian AAA in the form prescribed in Item 4 below.
- D. The request for hearing shall be in writing (a Grievance Statement form will be provided) and include all of the following items.
 1. The name of the agency requesting the hearing
 2. The specific issues of law, regulation, or procedure that support the appeal
 3. A brief summary of facts that support the issue
- E. Upon receipt of a written request for hearing, and after determination that the Petitioner meets the criteria established in Items 1 and 2 above, the Egyptian AAA will:
 1. Schedule and conduct the hearing within a reasonable period of time not to exceed thirty days (30) of the date of receipt of the request for hearing.
 2. Provide the petitioner ten days (10) preliminary written notice of the hearing. Such notice shall specify the time, date, and location at which the hearing will be conducted.
 3. Establish an impartial hearing panel (or individual) to conduct the hearing. Impartial means individuals who have not participated in the action being appealed.

4. Ensure that a verbatim transcript of the hearing is produced.
- F. The Egyptian AAA may terminate formal hearing procedures at any point if Egyptian AAA and the petitioner that requested the hearing negotiate a written agreement that resolves the issue(s) that led to the request for hearing.
- G. The Egyptian AAA and the petitioner shall have an opportunity to appear in person and / or be represented by legal counsel or other authorized representative. Action or inaction of an authorized representative shall be deemed to be action or inaction of the petitioner; and to present documentary evidence and refute the basis for the decision being appealed. Both Egyptian AAA and the petitioner shall also have an opportunity to review any pertinent evidence and to ask and respond to questions that arise during the hearing. The proceedings shall occur in the following manner:
1. Presiding officer shall read the following procedures
 2. Presentation of grieving agency and / or authorized representative
 3. Questions by committee members
 4. Presentation by the Egyptian AAA staff
 5. Questions by committee members
 6. Response by grieving person and / or agency
 7. Response by the Egyptian AAA staff
 8. Summary of questions by presiding officer
- H. The impartial hearing panel shall report the findings of the hearing to the Board of Directors of the Egyptian AAA and shall make recommendation(s) for decision. The recommendation(s) set forth the reasons for the recommendation(s) and the evidence on which it is based.

The final written notice of decision resulting from the hearing will be issued to the petitioner by the Board of Directors of the Egyptian AAA and shall include the recommendations of the impartial hearing panel and the reasons upon which the final decision was based.

- I. The notice of decision must be transmitted to the petitioner within a reasonable period of time not to exceed thirty-five (35) working days following the conclusion of the hearing.

In addition to the final written decision of the Board of Directors, the notice of decision must include a statement of the petitioner's right within thirty calendar days (30), to request an administrative review of the hearing by the Illinois Department on Aging.

SECTION 1211: GRIEVANCE PROCEDURE

The following procedures will ensure that a formal process exists to handle grievances by older persons or adults with disabilities and / or their authorized representatives who are dissatisfied with or are denied services or who have complaints against Subrecipients or individual persons. Older persons or adults with disabilities include those individuals who are aged sixty years (60) or older, people age 19-59 with disabilities, or any other individual who is eligible under the Older Americans Act for its services that is a part of the grievance (i.e., a spouse of an older person when the Older Americans Act congregate meal service program is involved in the grievance.)

- A. What the older person, adults with disabilities, or his / her authorized representative, must do:
1. Any older person, adults with disabilities, or his / her representative may file a formal grievance with the Egyptian AAA to resolve a complaint about an individual, an Older Americans Act Subrecipient or service rules, or any other Subrecipient or service to which the older person and adults with disabilities may be entitled.
 - a. Older persons, adults with disabilities, or their representative are encouraged but not required first to follow the grievance procedure of the Subrecipient against whom a complaint is being lodged, or to attempt to resolve the grievance with the individual or Subrecipient through any formal or informal means available.
 - b. The older person, adults with disabilities, or their representative must file a formal grievance with the Egyptian AAA within sixty days (60) of the incident that lead to the grievance, or sixty days (60) from the completion of the Subrecipient's formal grievance process.
 2. The grievance process through the Egyptian AAA may be initiated verbally or in writing, however, a written grievance is preferred. The older person, adults with disabilities, or their representative must follow the following guidelines:
 - a. The grievance must be filed within the timeliness stated above or the grievance may be dismissed by the Egyptian AAA at its discretion.
 - b. The grievance must name the service, person, and / or Subrecipient against whom a complaint is being lodged, including addresses and telephone numbers if known.
 - c. The older person, adults with disabilities, or their representative must be willing to allow his / her name to be revealed to the individual or Subrecipient against whom a grievance is made.
 - d. The specific action or incident that is being appealed must be described to the Egyptian AAA.
 - e. Any other pertinent information, including the outcome of any previous formal or informal hearings or investigations by the Subrecipient, must be given to the Egyptian AAA.

3. All grievances for the Egyptian AAA must be filed at the following address:

Egyptian Area Agency on Aging
200 E. Plaza Dr.
Carterville, IL 62918
Telephone: (618) 985-8311
Fax number: (618) 985-8315

B. What the Egyptian AAA will do:

1. If a written grievance is received, it will be date stamped and copied for the agency's files. The Egyptian AAA will investigate all informal complaints by older persons, adults with disabilities, or their representative, but only written grievances will be documented by the Egyptian AAA's staff and placed in the agency's file.
2. A copy of written grievances will be given to the appropriate staff member, as determined by the Executive Director and / or the Program Manager, for investigation and follow-up.
3. The written grievance will be investigated as to its content and validity.
4. The Egyptian AAA may terminate its investigation or the formal hearing procedures at any point if the parties to the grievance negotiate an agreement that resolves the issue(s) that led to the grievance or if requested by the complainant.
5. If the Egyptian AAA is not a party to the grievance, the Egyptian Area Agency may elect to only respond to the grievance in writing with its findings and recommendations. Such contact will be made within thirty-five working days (35) of the receipt of the grievance.
6. If the grievance involves the Egyptian AAA, or if the Egyptian AAA determines that the resolution of the grievance would best be served through a hearing process, one will be scheduled within thirty days (30) of the receipt of the grievance by the Egyptian AAA.
 - a. The Egyptian AAA will notify the parties to the grievance of the hearing date not less than ten days (10) prior to the date of the hearing.
 - b. The Egyptian AAA will establish an impartial panel (or individual) to conduct the hearing. Impartial means individuals who have not participated in the action(s) that resulted in the grievance.
 - c. The Egyptian AAA will ensure that minutes of the hearing are produced and available to those who wish a copy. A verbatim transcript of the hearing will be provided by the Egyptian AAA if the costs of such are born by the requesting parties and notice of such is given prior to the hearing date.
 - d. The parties to the grievance and their authorized representatives shall have an opportunity to appear in person and / or be represented by legal counsel or other

- authorized representative. Action or inaction of an authorized representative shall be deemed action or inaction of the party whom they represent.
- e. An opportunity to present documentary evidence and refute the basis for the grievance will be provided. All parties to the grievance shall also have an opportunity to review any pertinent evidence and to ask and respond to questions that arise during the hearing. The proceedings shall occur in the following manner:
 - i. Presiding officer of the impartial panel shall read the following procedures
 - ii. Presentation by complainant and / or authorized representative
 - iii. Questions by impartial hearing panel members
 - iv. Presentation by the respondent or authorized representative
 - v. Questions by impartial hearing panel members
 - vi. Response by complainant
 - vii. Response by the respondent
 - viii. Summary of questions by presiding officer
 - f. The impartial hearing panel shall report the findings of the hearing to the Board of Directors of the Egyptian AAA and shall make recommendation(s) for decision. The recommendation(s) set forth the reasons for the recommendation(s) and the evidence on which it is based.
 - g. The final written notice of decision resulting from the hearing will be issued to the complainant by the Board of Directors of the Egyptian AAA and shall include the recommendations of the impartial hearing panel and the reasons upon which the final decision was based.
 - h. The notice of decision will be transmitted to the complainant within a reasonable period of time not to exceed thirty-five working days (35) following the conclusion of the hearing.
7. In addition to the final written decision of the Egyptian AAA, the notice of decision will include a statement of the complainant's right within thirty days (30) days, to request an administrative review of the hearing by the Illinois Department on Aging, if applicable.

EGYPTIAN AREA AGENCY ON AGING, INC.
200 E. Plaza Dr.
Carterville, IL 62918

GRIEVANCE STATEMENT

Submitted by: _____ Date: _____

Address: _____ Phone: _____

City: _____

Program Involved: _____

Contact Person: _____ Phone: _____

Address: _____

City: _____

Nature of Problem: _____

(Attach additional pages as needed)

When Occurred: _____

Discussed With / When / Result: _____

Desired Solution: _____

For EAAA Use Only

Referred to: _____ Date: _____

Resolution: _____

SECTION 1220: REQUIREMENTS AND ASSURANCES

See separate document

1222: PROVISION OF SERVICES FUNDED UNDER THE OLDER AMERICANS ACT

A. Targeting Services – The Subrecipient will establish and carry out methods on:

1. How it intends to satisfy the service needs of low-income minority individuals, older individuals residing in rural areas, and Native Americans within the area served by the Subrecipient; and
2. Attempt to provide services to low-income minority older individuals, older individuals residing in rural areas, Native Americans, older individuals at greatest economic risk, and older individuals at greatest social risk at 1.5 times the proportion they bear to the general population of older individuals of the service subarea served by such Subrecipient.

The Subrecipient will coordinate the provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities, with agencies that develop or provide services for individuals with disabilities.

The Subrecipient assures that if there is a significant population of older individuals who are Native American Indians in the planning and service area, the Subrecipient will conduct outreach activities to identify such individuals and inform them of the availability of services under the Act. The Subrecipient will provide information and assurances concerning services to older individuals who are Native Americans, including the following.

1. Information concerning whether there is a significant population of older Native Americans in the service subarea and if so, an assurance that the Subrecipient will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this agreement.
2. An assurance that the Subrecipient will make services under the Area Plan available to the same extent as such services are available to older individuals within the service subarea, to older Native Americans.

B. Eligibility – The Subrecipient has / will established and is / will follow a written policy to assure the activities covered by this agreement serve only those individuals and groups eligible under the provisions of the applicable statute of the Older Americans Act.

C. Residency – The Subrecipient has / will established and is / will follow a written policy to assure that no requirements as to duration of residence or citizenship will be imposed as a condition of participation in the Subrecipient's program for the provision of services.

- D. Service Contributions and Means Tests – The Subrecipient is collecting contributions for services in conformance with federal regulations and that a Subrecipient under this part may not deny any older person a service because the older person will not or cannot contribute to the cost of the service. The Subrecipient has / will establish and is / will follow a written policy that ensures that all services provided under this agreement are provided without the use of any means tests. The Subrecipient has / will establish and is / will follow a written policy that ensures that all older persons or adults with disabilities receiving services under this agreement are provided the opportunity voluntarily to contribute to the cost of the services.
- E. Cost Sharing – The Subrecipient will not implement cost sharing for Older Americans Act services unless approved by the Illinois Department on Aging and Egyptian AAA and will implement cost sharing for services in conformance with the provisions of the Older Americans Act.
- F. Provision of Services for the Duration of this Agreement – Other than for those services specifically exempted by the Egyptian AAA, the Subrecipient will establish Older Americans Act services for which it is funded in sufficient numbers to assure that all older individuals within the Subrecipient's service subarea will have reasonable convenient access, as determined by the Egyptian AAA, to such services for the entire duration of this agreement.
- G. Provision of Services Throughout the Service Subarea – Other than for those services specifically exempted by the Egyptian AAA, the Subrecipient will conduct Older Americans Act services for which it is funded throughout its entire service subarea, with special emphasis on geographically isolated rural older individuals, older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals with greatest social need (with particular attention to low-income minority individuals), and older individuals with serve disabilities, and inform such individuals of the availability of services under this agreement.
- H. Outreach Efforts – If funded for outreach under this agreement, the Subrecipient will conduct outreach efforts to identify older individuals eligible for assistance under the Act, with special emphasis on rural elderly, older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas), older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas), older individuals with severe disabilities, older individuals with limited English-speaking ability, and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and inform such individuals of the availability of services under this agreement.
- I. Multipurpose Senior Centers – If funded for multipurpose senior center services under this agreement, the Subrecipient assures if, within 10 years after acquisition, or within 20 years after the completion of construction, of any facility for which funds have been paid under this agreement:
1. The owner of the facility ceases to be a public or nonprofit private agency or organization
or

2. The facility ceases to be used for the purposes for which it was acquired (unless the Egyptian AAA determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so)

Then, the Egyptian AAA shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

- J. Food Sanitation Regulations – If funded for nutrition services under this agreement, the Subrecipient has / will establish and is / will follow a written policy to assure that statutory and regulatory provisions concerning nutrition services, special requirements for nutrition Subrecipients and food requirements will be met.
- K. Meal Eligibility for Disabled Individuals – If funded for nutrition services under this agreement, the Subrecipient has / will establish and is / will follow a written policy that assures that individuals with disabilities who reside in a non-institutional household with and accompany a person eligible for congregate meals provided through the Subrecipient under this agreement, shall be provided a meal on the same basis that meals are provided to volunteers pursuant to appropriate sections of the Older Americans Act.
- L. Reporting – The Subrecipient agrees to make such reports, in such form, and containing such information, as the Egyptian AAA may require, and comply with such requirements as the Egyptian AAA may impose to insure the correctness of such reports.
- M. Limited English Speaking – If a substantial number of the older individuals residing in the planning and service area are of limited English-speaking ability, then the Subrecipient will-
 1. Utilize, in the delivery of outreach, the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability; and
 2. Designate an individual employed by the Subrecipient, or available to such Subrecipient on a full-time basis, whose responsibilities will include-
 - a. taking such action as may be appropriate to assure that counseling assistance is made available to such older individuals who are of limited English-speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this Act; and
 - b. providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effectively linguistic and cultural differences.

- N. Religious Activities – Each program which operates a multipurpose senior center will establish and follow a written policy that ensures that each individual participant clearly has a free choice whether or not to pray, either silently or audibly, and that the prayer, or other religious activity, are not officially encouraged, sponsored, led, organized, or scheduled by persons administering the meals program or sites and that this restriction does not apply to participant organized and led religious activities conducted in private areas.

END OF ADMINISTRATIVE STANDARDS