

MEMORANDUM OF UNDERSTANDING

Between

Kentucky Office for Refugees, a department of Catholic Charities of Louisville, Inc.

AND

XXXXXXX, a department of Catholic Charities of Louisville, Inc.

- I. **BACKGROUND:** Catholic Charities of Louisville, Inc. (CC-LOU) as the Wilson-Fish designee for Kentucky, is the agency responsible for the provision of refugee cash and medical assistance and services to refugees and all other eligible populations and for the overall coordination of the statewide refugee program. As the state coordinating agency and recipient of Federal Funds, Catholic Charities of Louisville is required, by the terms of the Grants and by regulations governing its role as state coordinating agency, to conform certain information, monitoring and reporting requirements in connection with the delivery of the services required under the Grants. The Kentucky Office for Refugees (CC-KOR) is a department within Catholic Charities of Louisville that serves in the role of state-wide coordinator and focuses primarily on the Wilson Fish state-wide administration of the refugee resettlement program in Kentucky.
- II. **PURPOSE AND SCOPE**
The Purpose of this Memorandum of Understanding (MOU) is to clearly identify the roles and responsibilities of each department as they relate to the implementation of the **(Name of Grant)**.
- III. **SOURCE OF GRANT FUNDS:** The (Name of Grant) is funded by the Department of Health and Human Services, Office of Refugee Resettlement and is identified in the Catalog of Federal Domestic Assistance (CFDA) as **(insert CFDA # and Title)**.
- IV. **MEMORANDUM OF UNDERSTANDING PERIOD:** The MOU will be effective for a period of 12 months beginning _____ to _____
- V. **MOU#:** _____
- VI. **DEFINITIONS:**
 - a. **Authorized Organizational Representative:** The authorized organizational representative is the designated representative of the applicant/recipient organization with the authority to act on the organization's behalf in matters related to the award and administration of grants. In signing a grant application, this individual agrees that the organization will assume the obligations imposed by applicable Federal statutes and regulations and other terms and conditions of the award, including any assurances, if a grant is awarded. These responsibilities include accountability both for the appropriate use of funds awarded and the performance of the grant-supported project or activities as specified in the approved application.
 - b. **Department Manager:** Is the staff person of the Catholic Charities of Louisville department responsible for the submission and implementation of the Scope of Work, including the submission of the program and financial reports throughout the MOU period. The department manager will coordinate services with the CC-KOR project manager. The Department Manager may or may not be the Department Director.
 - c. **Federal Awarding Agency:** Means the Federal Agency that provides an award to the recipient.

- d. **Federal Recipient:** Means an organization receiving financial assistance directly from a Federal Awarding agency to carry out a project or a program. The organization is legally accountable for the performance of the award and the expenditure of funds.
- e. **Organizational Unit:** The primary department (unit) responsible for the assistance activity on behalf of the Federal Recipient.
- f. **Principal Investigator:** The Principal Investigator (PI) is the individual, designated by the recipient, responsible for the scientific, technical, or programmatic aspects of the grant and for day-to-day management of the project or program. The PI is a member of the recipient team responsible for ensuring compliance with the financial and administrative aspects of the award. This individual works closely with designated officials within the recipient organization to create and maintain necessary documentation, including both technical and administrative reports; prepare justifications; appropriately acknowledge Federal support in publications, announcements, news programs, and other media; and ensure compliance with other Federal and organizational requirements, scientific, technical, or programmatic aspects of the project or program and, as applicable, the HHS- Grants Management Officer concerning the business and administrative aspects of the award.
- g. **Project Manager:** Is the staff member of CC-KOR, other than the PI, who has the authority and responsibility to communicate decisions concerning the process, procedure, reporting and funding requirements to the department manager of the other CC-LOU department on behalf of CC-KOR.
- h. **Scope of Work:** Is the written plan which details all activities, task and deliverables which shall be undertaken to adhere to the programmatic and financial requirements as determined by the grant program. These written plans include the service and budget plans submitted with the initial application, as well as any service and budget plans submitted throughout the course of the MOU period.
- i. **State Refugee Coordinator:** Means the individual designated by the Governor, or the appropriate legislative authority of the State who is responsible for, and who is authorized to, ensure coordination of public and private resources in refugee resettlement. (45 CFR 400.2)
- j. **State Refugee Health Coordinator:** Means the individual who coordinates with health care providers and refugee resettlement agencies to identify and address health care needs of refugee populations. The SRHC manages the refugee health screening program, the provision of privatized health insurance to refugees ineligible for Medicaid and all other health related activities related to the resettlement of refugees. The SRHC reports directly to the State Refugee Coordinator.

VII. **STATUTES AND PROGRAM REGULATIONS:** For each Federal Grant program there are applicable Federal Statutes and/or codified federal program regulations and applicable administrative and policy rules that CC-KOR is responsible to implement as the organizational unit for Catholic Charities of Louisville. The **(insert name of department)** is responsible to adhere to these statutes and regulations as a department of Catholic Charities of Louisville.

The following are the major statutes and Program Regulations for the US refugee resettlement program funded through HHS; this is not meant to be an all-inclusive list.

- ❖ Uniform Administrative Requirements-----45 CFR Part 74
- ❖ Cost Principles-----OMB Circular 2 CFR Part 230
- ❖ Audit Requirements-----OMB Circular A-133
- ❖ ORR Code of Federal Regulations (45 CFR Part 400)

- ❖ The Refugee Act of 1980-Public Law 96-212
- ❖ Immigration and Nationality Act (INA) Section 412 [8 U.S.C. 1521. 1522]
- ❖ Cuban Entrant Program (45 CFR Part 401)
- ❖ Kentucky Wilson Fish State Plan and Policy & Procedure Manual: CC-LOU departments receiving Federal Funds from programs managed by the Kentucky Office for Refugees must also follow regulations and policy rules as indicated in the Kentucky State Plan and the Kentucky Wilson Fish Policy and Procedure Manual as approved by the Federal Awarding Agency.

VIII. ROLE AND RESPONSIBILITIES OF CC-KOR UNDER THIS MOU:

A. **ROLE:** The Kentucky Office for Refugees is the department of Catholic Charities of Louisville that serves as the office for the State Refugee Coordinator. The State Refugee Coordinator, a.k.a. Director of KOR, and staff of KOR are responsible for the state-wide coordination of public and private resources on behalf of all refugees resettled in the State of Kentucky. The Kentucky Office for Refugees, as the designated “Organizational Unit,” is the department within Catholic Charities of Louisville accountable to the Federal Awarding agency for the implementation of the federally funded activities, including the programmatic and fiscal requirements of the grant. CC-KOR is to work in partnership with **(insert name of Department)** to ensure that services are within their Scope of Work and they meet the programmatic and fiscal requirements of the grant.

B. RESPONSIBILITIES:

1. Ensure the implementation of the activities described in the approved grant application.
2. Coordinate public and private resources on behalf of all refugees resettled in the State of Kentucky.
3. Ensure compliance with the financial and administrative requirements of the award.
4. Submit initial and continuation applications as the Wilson-Fish designee in Kentucky on behalf of Catholic Charities of Louisville.
5. Manage the budget as approved by the Federal Government (424A-Section B); and assist the finance department in the completion and submission of all required financial reports (SF-425).
6. Determine the budget for **(insert name of department)** based on funding for services and other activities incurred for the same purpose in like circumstances.
7. Request prior approvals from the Federal Government when necessary.
8. Submit required program performance reports (SCF-OGM SF-PPR) to the Federal Government.
9. Review the Scope of Work submitted **by (insert name of Department)** to ensure the service plan and budget meets the requirements of the federally funded program and when necessary request the Scope of Work be revised to meet ongoing programmatic and/or fiscal requirements.
10. Evaluate and provide technical assistance to identify problem areas and to ensure the department is implementing activities within their Scope of Work as required by the Federal Awarding agency.
11. Maintain documentation required for the grant award, including the Kentucky Wilson-Fish Policy and Procedures Manual.

IX. ROLE AND RESPONSIBILITIES OF (INSERT NAME OF DEPARTMENT) UNDER THIS MOU:

A. **ROLE:** The role of **(insert name of department)** is to provide services funded by the Federal Award. The department is to work in partnership with CC- KOR to ensure the provision of services as described within the Scope of Work, and is able to meet the programmatic and fiscal requirements of the Federally Funded program.

B. RESPONSIBILITIES:

1. To implement the activities described in the Scope of Work and to revise their Scope of Work, when necessary, to meet the requirements of the program.
2. Comply with the financial and administrative requirements of the award as a department of Catholic Charities of Louisville.

3. Manage the line item budget submitted with the Scope of Work; ensure funds are expended in a timely manner.
4. Ensure that staff members funded by the grant maintain Time and Effort sheets¹.
5. Request budget revisions if the cumulative transfers between cost categories² exceed 25% of the approved budget.
6. Submit services plans and budgets within the time frames required to ensure CC-KOR can submit applications in a timely manner and manage the program effectively.
7. Submit program and financial reports within the deadlines required to ensure CC-KOR can submit program and financial reports in a timely manner and manage the program effectively.
8. Adhere to the regulations and policy rules as indicated in the Kentucky State Plan and the Kentucky Office for Refugees Policies and Procedures Manual as approved by ORR.

- X. PROGRAM REPORT REQUIREMENTS:** The department manager agrees to provide programmatic reports, with the cover sheet to CC-KOR no later than 15 days after the close of the reporting period. Programmatic Reports received after the 15th of day of the month, will be considered "Late".
1. Program Reports (PRF.1) with the Cover Sheet (C-PRF.1) shall be submitted in the format provided in Attachment B.
 2. The report with the cover sheet should be sent electronically to the CC-KOR Project Manager identified in Attachment A.
 3. Program Reports are DUE:

- XI. FINANCIAL REPORTING REQUIREMENTS:** The department manager will ensure that a monthly financial report with a cover sheet will be submitted to the project manager and the Principal Investigator of CC-KOR within 20 days after the close of each month that report costs incurred in the previous month.
1. Financial Reports shall be submitted in the format provided in Attachment C.
 - ❖ Cover Sheet: C-IDFRF.1
 - ❖ Expenditure report, please use IDMR.1
 2. The Cover sheet and corresponding financial report will be reviewed by the financial point of contact for CCLOU and the Principal Investigator. The Project Manager for KOR will follow up with the department manager if there are any questions or concerns.

¹ 2 CFR 230 Appendix B 8m-Support for Salaries and Wages.

² CC-KOR Cost Categories

XII. FEDERAL CERTIFICATIONS OF PUBLIC POLICY REQUIREMENTS

Catholic Charities of Louisville is required to comply with the following Federal Certifications and Public Policy Requirements as a Federal Recipient.

A. Acknowledgment of Federal Funding

As required by HHS appropriations acts, all HHS recipients must acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds. Recipients are required to state (1) the percentage and dollar amounts of the total program or project costs financed with Federal funds and (2) the percentage and dollar amount of the total costs financed by nongovernmental sources.

B. Activities Abroad

HHS recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

C. Age Discrimination Act of 1975

The Age Discrimination Act of 1975, 42 U.S.C. 6101 *et seq.*, prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance. The HHS implementing regulations are codified at 45 CFR part 91.

D. Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The HHS implementing regulations are codified at 45 CFR part 80.

E. Controlled Substances

Grantees are prohibited from knowingly using appropriated funds to support activities that promote the legalization of any drug or other substance included in Schedule I of the schedule of controlled substances established by section 202 of the Controlled Substances Act, 21 U.S.C. 812. This limitation does not apply if the recipient notifies the GMO that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

F. Drug Free Workplace

The Drug-Free Workplace Act of 1988, 42 U.S.C. 701 *et seq.*, requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. HHS implementing regulations are set forth in 45 CFR part 82, "Government wide Requirements for Drug-Free Workplace (Financial Assistance)."

G. Debarred and Suspended

Organizations or individuals that are suspended, debarred, declared ineligible, or voluntarily excluded from eligibility for covered transactions by any Federal department or agency cannot, during the period of suspension, debarment, or exclusion, receive HHS grants or be paid from HHS grant funds, whether under a primary or lower-tier transaction. Because individuals who have been debarred, suspended, declared ineligible or who have been voluntarily excluded from covered transactions may not receive Federal funds for a specified period of time, charges made to HHS grants for such individuals (e.g., salary) are unallowable.

H. Delinquency on Federal Debt

Any organization or individual that is indebted to the United States, and has a judgment lien filed against it for a debt to the United States, is ineligible to receive a Federal grant. Applicants are required to indicate in their applications if they are delinquent on any Federal debt. If the applicant discloses a delinquency, HHS may not award the grant until the debt is satisfied or satisfactory arrangements are made with the agency to which the debt is owed. In addition, once the debt is repaid or satisfactory arrangements made, an OPDIV will continue to take that delinquency into account when determining whether the applicant would be responsible with respect to an HHS grant, if awarded.

I. Education Amendments of 1972

Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, 1682, 1683, 1685, and 1686, provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. The HHS implementing regulations are codified at 45 CFR part 86.

J. Fly America Act

The Fly America Act, 49 U.S.C. App 1517 as implemented in the Comptroller's General Guidelines Decision B 138942, March 31, 1981 requires Federal employees and their dependents, consultants, contractors, grantees and others performing United States Government financed foreign air travel to travel by US flag air carriers when service is available within the guidelines in paragraphs (b)(4)(5) of the Act, unless travel by foreign air carrier is a matter of necessity as defined in paragraph(b)(3) of the Act.

K. Limited English Proficiency

Recipients of Federal financial assistance must take reasonable steps to ensure that people with limited English proficiency have meaningful access to health and social services and that there is effective communication between the service provider and individuals with limited English proficiency. To clarify existing legal requirements, HHS published "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." This guidance, which is available at <http://www.hhs.gov/ocr/civilrights/resources/laws/revisedlep.html>, provides a description of the factors that recipients should consider in determining and fulfilling their responsibilities to individuals with limited English proficiency under Title VI of the Civil Rights Act of 1964.

L. Lobbying

Recipient agrees to file a certification with HHS that it will not and has not used federal appropriated funds to pay any person or organization for influencing an officer or employee of any federal agency, member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract grant or other award covered by 31 U.S.C § 1352. The recipient agrees to disclose any lobbying with nonfederal funds conducted in connection with obtaining any federal award.

M. Pro-Children Act

The Pro-Children Act of 1994, 20 U.S.C. 7183, imposes restrictions on smoking in facilities where federally funded children's services are provided. HHS grants are subject to these requirements only if they meet the Act's specified coverage. The Act specifies that smoking is prohibited in any indoor facility (owned, leased, or contracted for) used for the routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18. In addition, smoking is prohibited in any indoor facility or portion of a facility (owned, leased, or contracted for) used for the routine or regular provision of federally funded health care, day care, or early childhood development, including Head Start services to children under the age of 18. The statutory prohibition also applies if such facilities are constructed, operated, or maintained with Federal funds. The statute does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, portions of facilities used for inpatient drug or alcohol treatment, or facilities where WIC coupons are redeemed. Failure to comply with the

provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per violation and/or the imposition of an administrative compliance order on the responsible entity. Any questions concerning the applicability of these provisions to an HHS grant should be directed to the GMO.

N. Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as amended, provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment. The HHS implementing regulations are codified at 45 CFR parts 84 and 85.

O. Restriction on Distribution of Sterile Needles/Needle Exchange

Funds appropriated for HHS may not be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

P. Restriction on Funding Abortions

HHS funds may not be spent for an abortion.

Q. Seat Belt Use

Pursuant to EO 13043 (April 16, 1997), Increasing the Use of Seat Belts in the United States, HHS recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating vehicles, whether organizationally owned or rented or personally owned.

R. Smoke Free Workplace

HHS strongly encourages recipients to provide smoke-free workplaces and to promote the non-use of tobacco products. HHS defines the term “workplace” to mean office space (including private offices and other workspace), conference or meeting rooms, corridors, stairways, lobbies, rest rooms, cafeterias, and other public spaces.

S. Standards for Privacy of Individually Identifiable Health Information

The “Standards for Privacy of Individually Identifiable Health Information” (the Privacy Rule) implement the Health Insurance Portability and Accountability Act (HIPAA) of 1996, 42 U.S.C. 1320d et seq., which governs the protection of individually identifiable health information. The Privacy Rule is administered and enforced by HHS’s OCR and is codified at 45 CFR parts 160 and 164. Not all HHS recipients are subject to the Privacy Rule. The Privacy Rule applies only to “covered entities,” as defined by the rule, which include health plans and most health-care providers.

T. Trafficking in Persons: Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S. C. 7104).

As the recipient, your employees, subrecipients under this award, and subrecipients’ employees may not engage in trafficking persons, procure a commercial sex act or use forced labor during the period of time the award is in effect. Catholic Charities must inform the Federal Government immediately of any information from any sources alleging a violation or prohibition.

U. USA PATRIOT Act

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) amends 18 U.S.C. 175–175c. Among other things, it prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose. The act also establishes restrictions on access to specified materials. “Restricted persons,” as defined by the act, may not possess, ship, transport, or receive any biological agent or toxin that is listed as a select agent

XIII. Agreed to and Signed:

CFDA: XX.XXX

TITLE OF GRANT:

MEMORANDUM OF UNDERSTANDING PERIOD:

A. KENTUCKY OFFICE FOR REFUGEES-DIRECTOR

Print Name: _____

Signature: _____

Date: _____

B. DEPARTMENT DIRECTOR

Print Name: _____

Signature: _____

Date: _____

DRAFT