# Considerations for Member Service Positions

## *Prohibited Activities*

While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or CNCS, staff and members may not engage in the following activities:

a. Attempting to influence legislation;
b. Organizing or engaging in protests, petitions, boycotts, or strikes;
c. Assisting, promoting, or deterring union organizing;
d. Impairing existing contracts for services or collective bargaining agreements;
e. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
f. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
g. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
h. Providing a direct benefit to—
    i. A business organized for profit;
    ii. A labor union;
    iii. A partisan political organization;
    iv. A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 related to engaging in political activities or substantial amount of lobbying except that nothing in these 9 provisions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
    v. An organization engaged in the religious activities described in paragraph g. above, unless CNCS assistance is not used to support those religious activities;
i. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive;
j. Providing abortion services or referrals for receipt of such services; and
k. Such other activities as CNCS may prohibit.

AmeriCorps members may not engage in the above activities directly or indirectly by recruiting, training, or managing others for the primary purpose of engaging in one of the activities listed above. Individuals may exercise their rights as private citizens and may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using non-CNCS funds. Individuals should not wear the AmeriCorps logo while doing so.

*[2013 AC Provisions IV.D.3; 45 CFR § 2520.65; 42 USC § 12584a]*

# Other Considerations for AmeriCorps Member Service

### Member Training

No more than 20 percent of the aggregate of all AmeriCorps member service hours in your program, as reflected in the member enrollments in the National Service Trust, may be spent in education and training activities. Capacity-building activities and direct service activities do not count towards the 20 percent cap on education and training activities.
*[45 CFR § 2520.50]*

### Federal and State Assistance

It is prohibited to use service under a grant "for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal Government."
*[42 USC § 12634(d)]*

### Members as Team Leaders

Team Leaders are not permitted to act in a staff capacity. Supervising members is a staff responsibility. Team Leaders must not be responsible for program development and coordination; however, they may assist by providing information and resources on best practices or by helping to develop portions of the program such as the training curriculum. In essence, under no circumstances should an AmeriCorps member serving as a Team Leader be the individual legally responsible for the program or other members.

The Team Leader position description should emphasize activities that involve them in performing direct service or providing support to members engaged in direct service. Examples of unallowable Team Leader activities include: signing member timesheets; evaluating member performance; disciplining AmeriCorps members; enrolling/dismissing AmeriCorps members; writing and/or signing program reports; managing the program's payroll and budget.

While Team Leaders are not to serve as the program's administrative staff, they may be engaged, on a limited basis, in activities that support the administration of the AmeriCorps program. These include: raising funds or in-kind contributions in direct support of specific AmeriCorps projects, such as team service projects.

*[AmeriCorps FAQ C.56]*

### Meaningful and Compliant Service Activities

*Member activities must be within the scope of the approved program grant and cannot be contrary to the law.*

The grantee must develop member positions that provide for meaningful service activities and performance criteria that are appropriate to the skill level of members.

The grantee is responsible for ensuring that the positions do not include or put the AmeriCorps member in a situation in which the member is at risk for:

- engaging in any prohibited activity,
- activity that would violate the non-duplication and non-displacement requirements), or
- prohibited fundraising activity

*[45 CFR §§ 2540.100; 2520.20, .40, .45, .65; 2013 AC Provision IV. D.1]*

## *Nondisplacement/Nonduplication*

(e) Nonduplication.

Corporation assistance may not be used to duplicate an activity that is already available in the locality of a program. And, unless the requirements of paragraph (f) of this section are met, Corporation assistance will not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency in which such entity resides.

(f) Nondisplacement.

(1) An employer may not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving Corporation assistance.

(2) An organization may not displace a volunteer by using a participant in a program receiving Corporation assistance.

(3) A service opportunity will not be created under this chapter that will infringe in any manner on the promotional opportunity of an employed individual.

(4) A participant in a program receiving Corporation assistance may not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.

(5) A participant in any program receiving assistance under this chapter may not perform any services or duties, or engage in activities, that—

(i) Will supplant the hiring of employed workers; or

(ii) Are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.

(6) A participant in any program receiving assistance under this chapter may not perform services or duties that have been performed by or were assigned to any—

(i) Presently employed worker;

(ii) Employee who recently resigned or was discharged;

(iii) Employee who is subject to a reduction in force or who has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;

(iv) Employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

(v) Employee who is on strike or who is being locked out.

*[45 C.F.R. §§ 2540.100(e), (f)]*

## Fundraising Restrictions

(a) AmeriCorps members may raise resources directly in support of your program's service activities.

(b) Examples of fundraising activities AmeriCorps members may perform include, but are not limited to, the following:

(1) Seeking donations of books from companies and individuals for a program in which volunteers teach children to read;

(2) Writing a grant proposal to a foundation to secure resources to support the training of volunteers;

(3) Securing supplies and equipment from the community to enable volunteers to help build houses for low-income individuals;

(4) Securing financial resources from the community to assist in launching or expanding a program that provides social services to the members of the community and is delivered, in whole or in part, through the members of a community-based organization;

(5) Seeking donations from alumni of the program for specific service projects being performed by current members.

(c) AmeriCorps members may not:

(1) Raise funds for living allowances or for an organization's general (as opposed to project) operating expenses or endowment;

(2) Write a grant application to the Corporation or to any other Federal agency.

An AmeriCorps member may spend no more than ten percent of his or her originally agreed-upon term of service, as reflected in the member enrollment in the National Service Trust, performing fundraising activities, as described in 45 C.F.R. § 2520.40.

*[45 CFR §§ 2520.40 - .45]*

*This reference guide is for informational purposes only and is not exhaustive of the requirements for AmeriCorps State and National grantee programs. Grantees are responsible for knowing, understanding, and complying with all federal and state laws and regulations, and, accordingly, must consult the primary sources for information related to member service activities. Please consult with your program officer if you have any questions about specific member activities.*