

TITLE 13 PUBLIC SAFETY

Part 07 COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Chapter

- 90. Domestic Violence and Sexual Assault Program Standards (13 AAC 90.030, 13 AAC 90.080, 13 AAC 90.100, 13 AAC 90.105, 13 AAC 90.190)
- 95. Grant Programs (13 AAC 95.110, 13 AAC 95.120, 13 AAC 95.280, 13 AAC 95.300)

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CHAPTER 090 DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAM STANDARDS

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13 AAC 90.010 SCOPE.

Except as provided in 13 AAC 90.140 - 13 AAC 90.160, this chapter applies to all grantees.

(Eff. 9/22/84, Register 91)

Authority - AS 18.66.050

13 AAC 90.020 GOVERNING BODY.

- (a) The governing body of each grantee shall
 - (1) have written documentation of its source of authority, through charter, articles of incorporation, or bylaws, as appropriate;
 - (2) meet at least quarterly and keep minutes of all meetings;
 - (3) appoint an executive director, and designate, in writing, the director's authority, which must include responsibility for the daily operation and administration of the program;
 - (4) reflect representation of community concerns and interests by adopting and implementing a policy to recruit members of populations which are targeted for program services, particularly Alaska Native and other ethnic or racial populations;
 - (5) approve, in writing, all documents of the grantee that establish policy, including personnel policies, budgets, budget revisions, and the accounting manual;
 - (6) conduct open meetings; however, if excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss any of the following matters must be determined by a majority vote of the governing body; the only excepted subjects that may be discussed in an executive session are:

- (A) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the grantee;
 - (B) subjects that tend to prejudice the reputation and character of any person; however, the person may request a public discussion;
 - (C) matters which, by law, municipal charter, or ordinance, are required to be confidential; and
- (7) direct the grantee's planning process; the governing body shall develop statements of philosophy of service delivery, mission, and goals and objectives; the goals and objectives must be reviewed annually.
- (b) The governing body must represent community concerns and interests by consisting of members that reside in the program's service area.

(Eff. 9/22/84, Register 91)
 Authority - AS 18.66.050

13 AAC 90.030 PLANNING PROCESS.

- (a) A grantee shall have a planning process that includes
- (1) communication and coordination of the planning process with the council and other domestic violence or sexual assault programs that serve the same populations;
 - (2) identification of resources within the service area that provide the same, similar, and supplementary services;
 - (3) assessment of the service needs of the populations to be served;
 - (4) consideration of the characteristics, needs, and distribution of the populations to be served; and
 - (5) a written description of each service provided by the program and a statement of how each service relates to identified needs of the populations to be served.
- (b) Consideration under (a)(4) of this section of the characteristics and needs of the populations to be served includes consideration of a group's culture, heritage, traditions, and language, and must be documented.
- (c) A grantee shall develop and implement a written policy outlining the basic procedures under which the provisions of (a) and (b) of this section are implemented.

(Eff. 9/22/84, Register 91; am 7/1/91, Register 118)
 Authority - AS 18.66.050

13 AAC 90.040 PERSONNEL MANAGEMENT.

- (a) A grantee shall have a personnel management system that includes a written job description and qualifications for each position, and a current organizational chart that identifies staff positions and lines of authority within the program.
- (b) A grantee shall maintain for each employee a personnel record that includes education and training completed, wage or salary information, and performance appraisals. Performance appraisals must be completed annually and in accordance with documented procedures. The records must be stored, maintained, and used in a manner that ensures confidentiality.
- (c) A grantee shall develop a written training plan for the professional growth and development of staff.
- (d) A grantee shall provide training in the following areas for staff and volunteers who provide services directly to clients, as appropriate:
- (1) standards for conducting lethality assessments, safety checks, and for the development of safety plans;
 - (2) community resources;

- (3) assistance to clients in identifying options and planning goals for themselves; and
- (4) assessment of the need for, and the provision of, education and advocacy in the areas of domestic violence or sexual assault.
- (e) A grantee shall adopt and implement policies to recruit staff who are representative of populations targeted for program services, particularly Alaska Natives and other ethnic or racial populations.
- (f) A grantee who receives federal money shall adopt and implement a policy to provide a drug-free workplace in accordance with 41 U.S.C. 701-707 (Drug-Free Workplace Act of 1988).

(Eff. 9/22/84, Register 91; am 7/1/95, Register 134)
Authority - AS 18.66.050

13 AAC 90.050 FISCAL MANAGEMENT.

- (a) A grantee shall have an accounting system that ensures proper use of money, as required by funding sources, and documentation of financial transactions. The system must include
 - (1) uniform procedures for handling financial transactions;
 - (2) reconciliation and summary of financial transactions at least monthly;
 - (3) written procedures for payroll that ensure that correct amounts are regularly withheld from each employee's pay and paid to appropriate federal, state, and local units of government;
 - (4) written procedures for regular review of, and sign-off on, all employees' time and attendance forms; and
 - (5) controls to safeguard proper handling of cash receipts and disbursements.
- (b) A grantee shall maintain an accounting policy and procedures manual which must be reviewed and updated annually. The accounting manual must include the following topic areas: funding-source accounting requirements, internal control procedures, a chart of accounts, accounting records maintenance, and preparation of financial statements.
- (c) A grantee shall have procedures to maximize reimbursement for services from clients or other parties. These policies may not preclude provision of services regardless of a client's ability to pay.
- (d) A grantee shall have written procedures for the preparation and revision of the revenue and expense budgets for the program. These budgets must include all sources and uses of money received.
- (e) A grantee shall have insurance that provides for the protection of the physical and financial resources of the program. This insurance must include personal injury liability insurance for employees, volunteers, and clients, and bonding insurance in at least one-fourth of the total grant received from the council.

(Eff. 9/22/84, Register 91)
Authority - AS 18.66.050

13 AAC 90.060 REPORTING.

A grantee shall have written procedures that ensure fulfillment of reporting requirements imposed by licensing or funding sources.

(Eff. 9/22/84, Register 91)
Authority - AS 18.66.050

13 AAC 90.070 FACILITIES.

- (a) A facility must comply with applicable zoning ordinances and conform to electrical, sanitation, plumbing, building, and safety codes of the governmental jurisdiction in which the facility is located.

- (b) A facility must have adequate ventilation in all areas, and direct outside air ventilation to each bedroom.
- (c) Responsibility for cleaning the facility and its premises must be assigned in writing.
- (d) A grantee shall maintain records of facility inspections and conditional use permits for three years.

(Eff. 9/22/84, Register 91)
Authority - AS 18.66.050

13 AAC 90.080 CLIENT POLICIES, PROCEDURES, AND RECORDS.

- (a) A grantee shall provide ongoing clients with an orientation to the program that includes an explanation of clients' rights of confidentiality, clients' obligation to maintain confidentiality, the services that are available, program hours, activities and fees, rules governing clients' conduct, and infractions that can result in disciplinary action or discharge.
- (b) A grantee shall have a written policy that provides for reviewing and responding to clients' grievances and recommendations about program operations, and that delineates the means by which clients are familiarized with these procedures.
- (c) A grantee shall have written procedures for client intake that address
 - (1) evaluation of immediate danger of suicide or homicide, the appropriateness of the client to the program, the presence of child abuse or neglect, the presence of abuse of vulnerable adults, the influence of alcohol or drugs, and a lethality assessment, if applicable;
 - (2) referral procedures for individuals not admitted to the program; and
 - (3) conditions for acceptance and refusal of referrals from other agencies.
- (d) A grantee shall have written procedures for discharge of clients, including provisions for referrals and clients' participation in discharge plans.
- (e) A grantee shall have individuals available, as reasonable, to provide translation services to non-English-speaking clients.
- (f) A grantee shall make provisions for meeting the needs of handicapped clients.
- (g) A grantee shall have written policies and procedures for follow-up of clients that establish protection of clients' confidentiality during follow-up contacts, make provisions for safety checks, if applicable, and specify the conditions under which follow-up will be discontinued.
- (h) A grantee shall have written policies and procedures for periodic review of records of active clients for completeness and appropriateness.
- (i) A grantee shall have a standardized system for keeping records on clients that includes the following information for each client:
 - (1) statements of problems and needs;
 - (2) a plan for problem resolution;
 - (3) a personal contact in case of an emergency; and
 - (4) known medical problems.
- (j) A grantee shall have written policies and procedures for closing and storing clients' records.
- (k) A grantee shall have written policies and procedures for ensuring the confidentiality and security of clients' privileged communications and records. These procedures must
 - (1) include procedures for disclosure of privileged communications and confidential information in accordance with AS 25.35.100 - AS 25.35.150, including the use of forms for documenting the disclosure and for obtaining the client's written consent;
 - (2) comply with applicable laws and regulations on privileged communications and confidentiality of clients' records; and
 - (3) address the use and disclosure of client information by anyone other than program personnel.

(Eff. 9/22/84, Register 91; am 7/1/91, Register 118; am 7/1/95, Register 134)

13 AAC 90.090 CRISIS LINE.

If a grantee provides crisis intervention services to victims of domestic violence and sexual assault or to perpetrators, it shall have or contract with a 24-hour crisis line service.

(Eff. 9/22/84, Register 91)
Authority - AS 18.66.050

13 AAC 90.100 REPORTING OF SUSPECTED ABUSE OF VULNERABLE ADULTS.

- (a) Repealed 7/1/91.
- (b) A grantee shall require reporting by all staff if there is reasonable cause to believe that a vulnerable adult has suffered abuse or neglect as defined in AS 47.24.900 and that there is immediate danger to the vulnerable adult, or that the abuse is ongoing and the vulnerable adult is unable or unwilling to assure the vulnerable adult's own safety. The report must be made to the central information and referral service for vulnerable adults, through the Department of Administration, division of senior services. If there is reasonable cause to believe that immediate action is necessary to protect the individual, the report must be made to a peace officer.

(Eff. 9/22/84, Register 91; am 12/3/88, Register 108; am 7/1/91, Register 118; am 7/1/95, Register 134)
Authority - AS 18.66.050

13 AAC 90.105 TRAINING ON REPORTING SUSPECTED ABUSE OF CHILDREN AND VULNERABLE ADULTS.

- (a) A grantee shall provide training on the recognition and reporting of abuse or neglect to staff members who are required to report child abuse or neglect under AS 47.17.020, or the abuse of a vulnerable adult under AS 47.24.010. The training must take place
 - (1) during the first month of employment, for new staff members; and
 - (2) once a year, for all staff members.
- (b) As part of the training required under this section, a grantee shall require each staff member to read and sign a statement that clearly defines all forms of reportable abuse or neglect, and outlines the staff member's responsibility to report abuse or neglect. The statement must be retained in the staff member's personnel file.
- (c) A grantee shall develop a curriculum for the training required under this section, and shall review and update the curriculum annually. The curriculum must include information on
 - (1) laws relating to child abuse and neglect and the abuse of vulnerable adults;
 - (2) techniques for recognition and detection of child abuse and neglect and the abuse of vulnerable adults;
 - (3) agencies and organizations in the state that offer aid or shelter to victims and the families of victims of child abuse or neglect and the abuse of vulnerable adults;
 - (4) procedures for required notification of suspected abuse or neglect;
 - (5) the role of a person required to report abuse or neglect, and the role of the grantee, after the report has been made; and

- (6) a brief description of the manner in which cases of abuse or neglect are investigated by the Department of Health and Social Services, the division of senior services of the Department of Administration, and law enforcement agencies after a report of suspected abuse or neglect.
- (d) A grantee shall ensure that a current copy of the training curriculum required under (c) of this section is on file with the council.

(Eff. 7/1/91, Register 118; am 7/1/95, Register 134)
Authority - AS 18.66.050

13 AAC 90.110 VOLUNTEERS.

- (a) A grantee shall have written policies on volunteer services that include
 - (1) the philosophy, goals, and objectives of the volunteer program;
 - (2) the responsibilities and tasks of volunteers;
 - (3) the procedures and criteria for selecting volunteers; and
 - (4) the accountability and reporting requirements of volunteers.
- (b) A grantee shall have a documented training program for volunteers that provides information on clients' rights, program procedures, and procedures for emergencies.
- (c) A staff person or persons must be designated to serve as supervisor of volunteer services.
- (d) A grantee shall develop a procedure for reviewing volunteers' performance and providing feedback to volunteers.

(Eff. 9/22/84, Register 91)
Authority - AS 18.66.050

13 AAC 90.120 COORDINATION AND REFERRAL.

A grantee shall develop written agreements for coordination with agencies that serve as primary referral sources, such as alcohol, mental health, other domestic violence and sexual assault programs serving the same area, as well as the Department of Corrections and the division of family and youth services. These policies and procedures must delineate means to identify clients' special needs, assist clients in obtaining services, and avoid duplication of services provided by other agencies. These policies must specify conditions under which referrals are made, and must list specific steps for referring.

(Eff. 9/22/84, Register 91)
Authority - AS 18.66.050

13 AAC 90.130 PROGRAM EVALUATION.

- A grantee shall have a written evaluation plan that includes
- (1) an assessment of the attainment of goals and objectives;
 - (2) designation of persons responsible for conducting the evaluation, including the governing body's role;
 - (3) description of the types of data collected;
 - (4) identification of factors which are important in contributing to the success of the program;
 - (5) an assessment of how the grantee affects the community and clients it serves; and
 - (6) a means for the evaluation findings to be used in the planning process described in 13 AAC 90.030.

13 AAC 90.140 SHELTERS.

- (a) A shelter must provide each resident with access to
 - (1) the minimum necessities, including bedding, clothing, articles for grooming and personal hygiene, and nutritional food; and
 - (2) a telephone, in accordance with a written policy that promotes confidentiality and safety of residents.
- (b) A shelter must be staffed by paid staff or a trained volunteer 24 hours per day, seven days per week, if one or more victims reside in the shelter. Shelter staff and volunteers must have at least eight hours of basic first aid training, which includes training in CPR and knowledge of the facility's emergency procedures.
- (c) There must be written procedures for the shelter for meeting potential emergencies such as fire, natural disasters, physical illness, and threats of physical injury. These procedures and emergency telephone numbers must be posted in prominent places in the shelter, and the procedures made known to staff, volunteers, clients, and if applicable, law enforcement officers. The emergency procedures must include
 - (1) assignments of tasks and responsibilities;
 - (2) instructions for the use of alarm systems, emergency equipment and notification of authorities;
 - (3) specification of escape routes in case of fire or natural disaster; and
 - (4) coordination with law enforcement agencies for emergency plans regarding intruders and with fire departments for emergency plans for fire or natural disasters.
- (d) There must be locks on windows and doors of the shelter to prevent entry by intruders.
- (e) There must be policies for the storage of medicines belonging to residents of the shelter that assure that the medicines are not accessible to children or unauthorized adults.
- (f) There must be a written plan for services to children in the shelter, including coordination with schools to minimize disruption to children.
- (g) Orientation must be provided to all clients of the shelter, to inform them of the requirement for nonviolent behavior by children and adults while in the shelter.

13 AAC 90.150 SAFE HOME PROGRAMS.

Safe home programs must

- (1) assure that each safe home provides each resident with access to minimum necessities, including bedding, clothing, articles for grooming and personal hygiene, and nutritional food;
- (2) develop and disseminate to safe home operators and residents written policies and procedures that include criteria for who may use safe homes and rules for safe home operators and residents, including security measures;
- (3) have written procedures for monitoring safe homes to ensure that the homes meet community standards for cleanliness, safety, and sanitary conditions; and
- (4) provide orientation to all clients to inform them of the requirement of nonviolent behavior by adults and children while in safe homes.

13 AAC 90.160 SERVICES FOR PERPETRATORS.

A program or component of a program whose primary focus is on providing services to perpetrators of domestic violence must

- (1) coordinate plans for services with other agencies serving the perpetrator's family to avoid conflict and encourage cooperation with other services provided to the affected family; and
- (2) contain mechanisms to maintain regular contact with the victim of a perpetrator who is a client to ensure the victim's safety.

(Eff. 9/22/84, Register 91)

Authority - AS 18.66.050

13 AAC 90.0170 WAIVER.

The council will, in its discretion, waive compliance with a requirement in 13 AAC 90.010 - 13 AAC 90.060 upon written application, if the council determines

- (1) there is good cause for the request;
- (2) the safety of clients is assured; and
- (3) an acceptable alternative is provided.

(Eff. 9/22/84, Register 91)

Authority - AS 18.66.050

13 AAC 90.180 COMPLIANCE.

Grantees shall comply with this chapter within two years after September 22, 1984. Programs newly funded after September 22, 1984 have two years to come into compliance with this chapter.

(Eff. 9/22/84, Register 91)

Authority - AS 18.66.050

13 AAC 90.190 DEFINITIONS.

In this chapter,

- (1) "client" means a person who receives services from a domestic violence or sexual assault program for a problem that the person is directly experiencing;
- (2) "council" means the Council on Domestic Violence and Sexual Assault;
- (3) "crisis intervention" means contact with a person in order to intervene in emergency situations;
- (4) "follow-up" means the process by which the grantee determines the status of a client after she or he leaves a program;
- (5) "grant" means an award of financial assistance by the council to an eligible recipient;
- (6) "grantee" means the legally accountable entity that receives a grant;
- (7) "lethality assessment" means determination of the degree of danger of serious injury or death to any member of a client's family unit;
- (8) "ongoing client" means a client who is not in crisis;
- (9) "perpetrator" means a person who directed domestic violence or sexual assault toward another person;
- (10) "program" means the services provided by a grantee for the community or region it serves;

- (11) "safe home" means a private home whose occupants provide a safe environment for victims of domestic violence or sexual assault, and their children, on a short-term basis;
- (12) "safe home program" means a legally accountable entity that receives a grant to provide safe home services;
- (13) "safety check" means the process of determining if a victim's situation is dangerous, and, if so, developing a safety plan;
- (14) "safety plan" means a scheme or method by which a victim may escape from, or protect herself or himself, in a violent situation;
- (15) "shelter" means a facility that provides a safe, emergency environment for victims of domestic violence or sexual assault, and their children, on a short-term basis;
- (16) "victim" means a person who may be admitted into a program as a result of having been subjected to domestic violence or sexual assault; and
- (17) "volunteer" means a person who provides unpaid services, and who performs one or more of the following tasks:
 - (A) telephone support;
 - (B) referral and information;
 - (C) office support;
 - (D) shelter support;
 - (E) community presentations and public relations;
 - (F) fund-raising;
 - (G) court liaison;
 - (H) legal aid;
 - (I) safe home services;
 - (J) direct services to clients.

(Eff. 9/22/84, Register 91; am 7/1/91, Register 118)
Authority - AS 18.66.050

CHAPTER 95 GRANT PROGRAMS

13 AAC 95.010 ADOPTION OF GRANT REGULATIONS.

Repealed 6/25/88.

13 AAC 95.015 SCOPE OF CHAPTER.

Except as provided in 13 AAC 95.025, this chapter applies to grants made by the council.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.020 MODIFICATIONS.

Repealed 6/25/88.

13 AAC 95.025 LIMITATION.

If a state or federal regulation or law addresses a particular grant program and is inconsistent with a provision of this chapter, the state or federal regulation or law applies to the particular grant program in place of the provision of this chapter.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.030 ELIGIBLE APPLICANTS.

Repealed 6/25/88.

13 AAC 95.040 PUBLIC NOTICE OF GRANT APPLICATION PROCESS.

The council will give public notice of the availability of grant application forms, and the deadlines by which an applicant must request an application and must return the grant application to be considered for a grant.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.050 APPLICATION REQUEST.

A prospective applicant must request an application in writing by the date provided in the public notice. The council will provide application forms and instructions to each prospective applicant who requests an application in writing.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.060 SUBMISSION OF GRANT APPLICATION.

To be considered for a grant, an applicant must include in the grant application the information requested in the application form and must submit the grant application to the grant agency by the date provided in the public notice given under 13 AAC 95.040.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.070 REVIEW OF APPLICATION; FINAL DECISION.

- (a) Within 90 days after the application submission deadline, the council will review the application. The council will, in its discretion, require the applicant to provide an explanation of information submitted in the application.
- (b) The final decision under (d) of this section will be to
 - (1) approve the grant application for the amount requested;
 - (2) approve the grant application for an amount different from the amount requested; or
 - (3) disapprove the grant application.

- (c) If the council's final decision is to approve the grant application, the council will, in its discretion, negotiate with the applicant regarding necessary revisions in the applicant's proposed budget or proposed services and activities. A final decision is conditional upon completion of negotiations in accordance with this subsection.
- (d) The council will make the final decision with respect to a grant application no later than 15 days after the final state budget bill takes effect for the state fiscal year for which the grant application is made.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.080 CRITERIA FOR APPLICATION REVIEW.

The council will use the following criteria in the review of an application:

- (1) the applicant's management and financial capabilities;
- (2) justification of the need for services, including identification of the target population and geographic area to be served;
- (3) the applicant's previous experience in providing the same or similar services in an effective manner;
- (4) demonstrated community support of the applicant by the community or communities in which the applicant proposes to provide services;
- (5) appropriateness of the objectives of the applicant's project, as well as the extent to which the objectives can be measured and schedules can be established for the performance of specific tasks;
- (6) feasibility of the applicant's plan for providing services;
- (7) accessibility of services to clients;
- (8) assurance of client confidentiality;
- (9) the existence and sufficiency of the applicant's aftercare or follow-up plan for clients, if applicable;
- (10) the applicant's efforts to coordinate with other appropriate organizations;
- (11) reasonableness of the applicant's proposed budget;
- (12) compatibility of the applicant's service proposal with the council's objectives and planning documents;
- (13) the existence of a reasonable training plan providing adequate justification for needed training;
- (14) the existence of a service evaluation proposal employing clear outcome indicators;
- (15) documented use of volunteers, and plans for future use;
- (16) council grant priorities as provided in the application materials; and
- (17) the status of audits and the resolution of audit exceptions, if any, for an applicant that has previously been awarded a grant.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.090 NOTIFICATION OF AWARD.

- (a) After the council makes a final decision under 13 AAC 95.070(d), the council will send to the applicant within 15 days
 - (1) a notice of disapproval if the council disapproves the applicant's application; or
 - (2) a notification of grant award to an applicant whose application is approved, contingent upon necessary revisions negotiated under 13 AAC 95.070(c), and contingent upon availability of money.
- (b) The grantee must sign the notification of grant award to indicate acceptance of the requirements of this chapter and of the terms set out in the signed application, as revised under 13 AAC 95.070(c). After the notification of grant award is signed by the chair of the council or the chair's designee, the signed notification of grant award constitutes a contract between the council and the grantee.
- (c) Grant awards are subject to the availability of spending authority by the council to fund a grant; the spending authority may be revoked, rescinded, reduced, or withheld by the office of management and budget. The council will promptly provide a grantee written notice if funding is revoked, rescinded, or withheld, and the effective date of the action.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.100 DURATION.

- (a) If, by July 1 of the state fiscal year for which a grant application is made, the governor does not sign into law the final state budget for that fiscal year, the council will seek authority to extend the existing approved grants for a period not to exceed 90 days.
- (b) The council will not commit money for a grant for a period that exceeds the state fiscal year for which the grant is awarded. The council will, in its discretion, award a grant for a period not to exceed two years, subject to annual legislative appropriation.

(Eff. 6/25/88, Register 106; am 7/1/95, Register 134)
Authority - AS 18.66.050

13 AAC 95.110 EQUAL EMPLOYMENT OPPORTUNITY.

- (a) A grantee shall comply fully with AS 18.80.220.
- (b) A grantee shall post in conspicuous places, accessible to employees and applicants for employment, at the location of the grantee's grant project, notices setting out the equal employment provisions of AS 18.80.220.
- (c) A grantee shall maintain records on age, sex, and race, which are required to administer the civil rights laws and regulations.
- (d) A grantee shall state, in solicitations or advertisements for employees to work on a grant project, that the grantee is an equal opportunity employer. The grantee shall consider all qualified applicants for employment without regard to sex, race, religion, color, national origin, age, physical disability, mental disability, marital status, change in marital status, pregnancy, or parenthood.
- (e) A grantee shall include the requirements of this section in the grantee's contracts and shall require compliance with these provisions in contracts entered into by its subcontractors. For the purpose of including the requirements in a construction, maintenance, or service

contract or subcontract,"sub-grantee" and"contractee" may be changed to appropriately reflect the name or designation of the parties of the subcontract or contract.

- (f) A grantee shall promptly comply with state directives considered essential by a state agency to ensure compliance with federal and state laws and regulations relating to the prevention of discriminatory employment practices.

(Eff. 6/25/88, Register 106; am 7/1/91, Register 118)
Authority - AS 18.66.050

13 AAC 95.120 CIVIL RIGHTS OF CLIENTS.

- (a) A grantee shall comply fully with 42 U.S.C. 2000d (U. S. Civil Rights Act) and 29 U.S.C. 794.
- (b) A grantee shall establish and operate internal information-collection systems to provide necessary racial statistics for staff, clients, beneficiaries, or participants annually. Records and reports must be available for review by the council and by the appropriate federal agency upon request.
- (c) A grantee shall make available to beneficiaries, participants, and other persons affected by the grantee's grant project, information relating to 42 U.S.C. 2000d and 29 U.S.C. 794 and federal regulations promulgated under those laws.
- (d) A grantee shall inform and instruct staff members concerning obligations under 42 U.S.C. 2000d and 29 U.S.C. 794 and federal regulations promulgated under those laws.
- (e) A grantee shall establish procedures for processing complaints alleging discrimination on the basis of sex, race, religion, color, national origin, age, physical disability, mental disability, marital status, change in marital status, pregnancy, or parenthood.

(Eff. 6/25/88, Register 106; am 7/1/91, Register 118)
Authority - AS 18.66.050

13 AAC 95.130 ACCOUNTING REQUIREMENTS.

A grantee shall, with respect to the financial records and accounts of the grantee's grant project, use generally accepted accounting practices and maintain the financial records and accounts in a manner that permits them to be audited.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.140 COST POLICIES.

- (a) A grantee may use money received from a grant to pay a cost described in 13 AAC 95.140 - 13 AAC 95.200. A grantee may make a payment only
 - (1) in accordance with the limitations established in 13 AAC 95.140 - 13 AAC 95.200;
 - (2) if the council determines that payment of the cost is necessary for the accomplishment of the objectives of the grant project; and
 - (3) if the cost is reflected in the budget of the grant project.
- (b) A grantee may pay for costs other than those described in 13 AAC 95.140 - 13 AAC 95.200 only after receiving approval from the council.

- (c) A grantee may pay for fees, transportation expenses, and per diem or subsistence expenses of consultants. Before paying expenses of consultants, the grantee must establish written policies that provide, at a minimum, that
 - (1) the consultant's services must be essential to the grant project and cannot be provided by a person whose salary is paid, in whole or in part, with money from the grantee's grant;
 - (2) the grantee will establish and use a selection process to secure the most qualified consultant available; and
 - (3) the consultant's fee must be appropriate considering the qualifications of the consultant, the consultant's normal fees, and the nature of the services rendered by the consultant.
- (d) If a grantee has a written travel policy that is more restrictive than 13 AAC 95.160(a), the grantee may pay no more for the travel expenses than the amount that is allowed under that policy.
- (e) For air travel, the expenses paid may not include first class seating or travel on a carrier other than a United States carrier unless no other form of air travel is available.
- (f) Before paying a relocation cost under 13 AAC 95.160(c), a grantee must establish written policies that
 - (1) state the circumstances under which the grantee will pay for the relocation costs;
 - (2) state the maximum amount the grantee will pay; and
 - (3) require the employee to reimburse the grantee for the relocation costs if the employee resigns for reasons within the employee's control less than 12 months after the relocation.
- (g) A grantee may not pay for the following:
 - (1) interest costs on loans;
 - (2) contingencies;
 - (3) lobbying;
 - (4) fines, penalties, or bad debts;
 - (5) contributions or donations; or
 - (6) entertainment, including luncheons, banquets, gratuities, or decorations.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.150 PERSONNEL COSTS.

- (a) Salaries, wages, overtime, fringe benefits, and any benefits paid to or on behalf of an employee of the grant project, including insurance premiums for employee health benefits, are allowable, subject to the following:
 - (1) If an employee of a grantee performs duties under the grant project and duties that are not under the grant project, the grantee shall determine the amount of a payment on the basis of the amount of time spent by the employee in performing the duties under the grant project. If the employee concurrently performs the same duty for two or more grant projects or for one grant project for which the grantee receives money under two or more grants, the grantee may allocate payments among the grants or grant projects in a manner that the grantee considers appropriate. However, the allocation may not result in payments that exceed the amount owed to the employee.

- (2) A payment for leave taken by an employee must be in accordance with the written employee leave policy established by the grantee under 13 AAC 95.210. However, for an employee whose employment is part of a training program conducted by an educational or training institution, the payment may not include payment for leave other than leave taken under a holiday schedule of the educational or training institution in which the trainee is enrolled. The council will approve a payment to an employee whose employment is part of a training program conducted by an educational or training institution only if the council determines that
 - (A) there is a bona fide employer-employee relationship between the grant project and the employee;
 - (B) the payment is for duties performed or to be performed for the grant project; and
 - (C) the grantee's accounting records support the payment and accurately reflect the distribution of the duties performed by the employee.
- (b) A grantee may not pay fees to an employee for consultation if it will result in double compensation to the employee or to the grantee for services provided by the employee.

(Eff. 6/25/88, Register 106; am 7/1/95, Register 134)
Authority - AS 18.66.050

13 AAC 95.160 TRAVEL COSTS.

- (a) A grantee may pay for travel expenses only to the extent that the travel expenses do not exceed the greater of
 - (1) the basic reimbursement for travel expenses and the basic per diem and meal allowances allowed under the collective bargaining agreement between the state and its general government unit employees which is in effect at the time that the department awards the grant;
 - (2) the actual costs, not including gratuities, of moderately-priced accommodations and meals; or
 - (3) for a project that includes funding under a federal grant to the grantee or federal contract with the grantee, the costs allowable under the federal grant.
- (b) Repealed 7/1/95.
- (c) A grantee may pay for relocation costs if they are incidental to a change of duty assignment for a period of not less than 12 months or to the recruitment of a new employee if the relocation is for the benefit of the grant project.
- (d) The relocation costs paid by the grantee under (c) of this section may only include transportation of the employee and of the employee's family, dependents, and household goods to the new location. The grantee shall credit the grant account for amounts received by the grantee under 13 AAC 95.140(f)(3).

(Eff. 6/25/88, Register 106; am 7/1/95, Register 134)
Authority - AS 18.66.050

13 AAC 95.165 FACILITIES COSTS.

The following costs related to physical facility operations for the grant project are allowable:

- (1) the cost of rental or true lease of facilities and equipment, if it does not exceed the maximum fair market value;
- (2) the cost of utilities not included in the space rental cost;
- (3) telephone, postage, telegram, and other communication costs; and
- (4) the cost of altering or renovating a building if
 - (A) the grantee is not an individual;
 - (B) the building has a usable life consistent with the objectives of the grant project, and is architecturally suitable for conversion;
 - (C) the alteration or renovation allows the building to conform with federal law and regulations governing access by a person with a physical disability;
 - (D) the grant project or part of the grant project will actually occupy the space involved;
 - (E) the grantee secures a lease for the grant period if the grantee does not own the building; and
 - (F) the amount budgeted or used for the alteration or renovation during a period of three consecutive fiscal years does not exceed the lesser of
 - (i) \$75,000; or
 - (ii) 25 percent of the amount approved in the budget for direct costs for the three-year period.

(Eff. 7/1/95, Register 134)
Authority - AS 18.66.050

13 AAC 95.170 CONTRACTUAL COSTS.

- (a) The following costs related to operating the grant project are allowable:
 - (1) the cost of insurance premiums, including premiums for hazard insurance, malpractice insurance, and other liability insurance coverage for personnel, vehicles, and activities of the grant project;
 - (2) membership dues in professional organizations;
 - (3) bonding costs;
 - (4) the cost of an audit that complies with 2 AAC 45.010;
 - (5) the cost of advertising, printing, and public-awareness activities if the grantee assumes sole responsibility for the content of the communication;
 - (6) the cost of legal services;
 - (7) the cost of routine and ancillary medical services on either an inpatient or outpatient basis;
 - (8) registration fees and tuition for symposiums, conferences, training, and seminars;
 - (9) the cost of providing training services from persons other than employees;
 - (10) the cost of transporting equipment from one grantee to another;
 - (11) accounting fees;
 - (12) the cost of consultants as set out in 13 AAC 95.140;
 - (13) the cost of subscriptions to professional journals and materials; and
 - (14) the cost of subcontracts that comply with 13 AAC 95.220.
- (b) Subject to (c) - (h) of this section, a grantee may make a payment to a reserve fund established in accordance with (h) of this section to compensate for depreciation of, or as a use

allowance for, an asset acquired by the grant project, including an asset donated to the grant project by the grantee or by a person other than the grantee, which is necessary for furtherance of the grant project. In computing the amount of payment under this subsection, the grantee may not include the cost of an asset, to the extent that the cost of the asset was paid for or donated to the grant project by the state or federal government, or the cost of land. However, the grantee may include in the computation the cost of capital improvements to land which are not included in the cost of a building if the grantee's books of account provide for the systematic amortization of the cost based on a reasonable determination of the probable useful life of the improvement and if the share of the cost allocated to the grant is developed from the amount amortized for the grant period involved.

- (c) Normal depreciation on a grantee's plant, equipment, and other capital facilities is allowable under (b) of this section if the grantee computes the depreciation
 - (1) upon a property-cost basis that could be used by the grantee for federal income tax purposes, if the grantee were subject to the payment of federal income tax; and
 - (2) by the consistent application to the assets concerned of a generally accepted accounting method, subject to the limitations of 26 U.S.C. (the Internal Revenue Code of 1986).
- (d) If the grantee uses the depreciation method for the purposes of (b) of this section, the grantee shall maintain adequate property records. The grantee shall determine the useful life for usable capital assets on a realistic basis that takes into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular area, and the renewal and replacement policies followed by the grantee for the individual items or classes of assets involved. If, on a date later than the date of acquisition of an asset by the grant project, the grantee introduces the depreciation method for application to the asset, the payments under (b) of this section for the depreciation may not exceed the amounts that would have resulted had the depreciation method been in effect from the date of acquisition of the assets.
- (e) A payment for depreciation of an asset that is fully depreciated is not allowed. However, the grantee may negotiate with the council to allow payments under (b) of this section for a reasonable use allowance for the asset. The council will, in its discretion, allow the payments if, after taking into consideration the cost of the asset involved, the estimated useful life remaining at the time of the negotiation, the actual replacement policy followed by the grantee in the light of service lives used for calculating depreciation, the effect of increased maintenance charges or decreased efficiency as a result of age, and other factors relating to the use of the asset for the purpose contemplated, the council determines that the payments are justifiable.
- (f) If a grantee uses the use-allowance method for the purposes of (b) of this section, the grantee shall compute the use allowance
 - (1) for buildings and improvements at an annual rate not to exceed two percent of the acquisition cost of the buildings and improvements; and
 - (2) for equipment at an annual rate not to exceed
 - (A) six and two-thirds percent of the acquisition cost of the equipment if the grantee maintains current records with respect to equipment on hand;
 - (B) 10 percent of the acquisition cost of the equipment if the grantee maintains records that reflect only the acquisition cost of original equipment of the grant project; or

- (C) six and two-thirds percent of a reasonable estimate of the acquisition cost of the equipment if the grantee does not maintain equipment records described in (A) or (B) of this paragraph and if the grantee justifies the estimate to the satisfaction of the council.
- (g) A grantee may not make a payment under (b) of this section as a use allowance for equipment if the equipment is not usable. In (f) of this section, "original equipment" means the equipment initially placed in a building to perform the functions currently being performed in the building; however, if a permanent change in the function of a building takes place, the grantee may make a redetermination of the original equipment.
- (h) A grantee shall establish a reserve fund for replacement of capital assets of the grant project. A payment under (b) of this section must be made to the reserve fund established under this subsection.
- (i) A grantee may pay tax expenses; however, these expenses may not include taxes from which the grantee is exempt.

(Eff. 6/25/88, Register 106; am 7/1/95, Register 134)
Authority - AS 18.66.050

13 AAC 95.180 COMMODITIES COSTS.

The following commodities costs are allowable:

- (1) the cost of supplies;
- (2) the cost of toys, games, and nursery items acquired to provide a nursery service so that parents can participate in the services of the grant project, for diagnostic or therapeutic purposes, or for other purposes of the grant project;
- (3) drug costs; and
- (4) food used in program operations.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.190 EQUIPMENT COSTS.

- (a) Equipment purchase costs are allowable, subject to 13 AAC 95.310 and 13 AAC 95.320, and may include the purchase of automotive vehicles.
- (b) Maintenance and repair costs for equipment owned, leased, or rented by the grantee are allowable costs.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.200 INDIRECT COSTS.

- (a) An applicant that does not have a federally approved indirect-cost rate may include administrative costs in the applicant's proposed budget as direct costs. The applicant shall document the proposed costs in the applicant's justification narrative for the proposed budget.

- (b) An applicant that has an indirect-cost rate agreed upon by the federal government and the grantee as an accurate reflection of the cost of the items included under that rate may use that indirect cost rate for the grant proposal, subject to the following:
- (1) If a grant will materially affect the indirect-cost rate, the applicant shall notify the federal government at the time the applicant applies for the grant and, if the applicant receives a grant, shall provide evidence to the council that the indirect-cost rate has been adjusted, as necessary, by the end of the grant period.
 - (2) In computing the amount of the grant to an applicant, the council will accept the indirect-cost rate most recently negotiated with the federal government at the time of the award of the grant. An amount allocated for indirect costs in a grant is considered part of the grant and not an addition to it. An increase or decrease in the indirect-cost rate made after the award for the grant will not affect the amount of the grant.
 - (3) An applicant desiring approval of indirect costs in a grant must include in the grant application a copy of the federal indirect-cost agreement indicating the indirect-cost rate, the period of applicability of the indirect-cost rate, and relevant documentation.
 - (4) If a grantee enters into a subcontract with an agency that also has a federally approved indirect-cost rate, the total indirect cost that may be paid under this subsection may not exceed the amount allowed in the grantee's indirect-cost rate. It is the responsibility of the grantee and subcontractor to negotiate an equitable allocation of the indirect costs.
 - (5) A grantee shall, upon request, make available to the state and to an appropriate local government, if any, all federal audit data relating to indirect costs of the grant project paid by the federal government.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.210 ADMINISTRATIVE POLICIES OF GRANTEES.

- (a) A grantee shall have written policies relating to employee salaries and overtime, employee leave, employee relocation costs, use of consultants and consultant fees, training, and conflict of interest. The grantee shall apply these policies consistently in the administration of the grant project without regard to the source of the money used for the purposes to which the policies relate. The council will, in its discretion, require the grantee to submit these policies to the council for approval.
- (b) A grantee that is a nonprofit corporation shall establish and adhere to a written policy stating that an employee of the grantee may not be a member of the grantee's governing board.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.220 SUBCONTRACTS.

- (a) A grantee may enter into a subcontract for the performance of an activity required by the grant. The grantee remains administratively and financially responsible for the activity and is responsible for the performance of the subcontractor.

- (b) A grantee must obtain the approval of the council before entering into a subcontract that exceeds 10 percent of the grant amount.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.230 PAYMENT PROVISIONS.

- (a) Subject to 13 AAC 95.240, the council will make payments to a grantee under a grant by monthly or quarterly advances or reimbursements. To receive a payment under this section, the grantee must submit to the council a payment request made on a form provided by the council.
- (b) A grantee shall reimburse the council for the amount not spent or encumbered if a grantee has not spent or encumbered all payments made to the grantee at the end of the grant period. A grantee shall notify the council in writing no later than 30 days after the end of the grant period of an outstanding encumbrance of a payment made under (a) of this section. For the purposes of this subsection, an encumbrance
 - (1) must require the use of the encumbered payment no later than one year after the end of the grant period; and
 - (2) must relate to a cost, the payment of which is
 - (A) reflected in the budget of the grant project; and
 - (B) allowed under 13 AAC 95.140 - 13 AAC 95.200.
- (c) The council will, in its discretion, withhold payment if the grantee fails to submit complete and timely reports required under 13 AAC 95.240.
- (d) If a grantee is awarded money under 13 AAC 95.070(d) but disputes the amount of the award, a grantee seeking continued funding will receive a proportionate advance of the amount awarded by the council on a monthly basis for the duration of the appeal.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.240 REPORTS.

A grantee shall submit to the council, on forms specified by the council, grant project performance reports and financial reports. The grantee shall submit the reports in accordance with written instructions delivered to the grantee by the council.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.250 GRANT INCOME.

- (a) A grantee shall report grant income to the council on a form designated by the council.
- (b) Subject to (c) of this section, a grantee shall use grant income, including the grantee's share of proceeds from the sale of assets of the grant project, to further the objectives of the grant project, including, but not limited to, uses that will
 - (1) increase the number of persons served by the grant project;
 - (2) increase the services provided by the grant project;

- (3) improve the quality of the services provided by the grant project;
 - (4) establish a reserve fund for use in offsetting underestimates of financing needs for the grant project;
 - (5) improve the capabilities of the grant project to generate reimbursement for services from a source other than the council or the clients of the grant project;
 - (6) establish a fund, which may not exceed the amount of the grant, to generate income for the program; or
 - (7) satisfy requirements under the grant program for matching contributions from the grantee.
- (c) Except for grant income placed in a fund under (b)(6) of this section, the grantee must spend grant income in the grant period in which it is earned or during the succeeding 12 months. A grantee may use grant income only
- (1) as specified in the terms of the grant; or
 - (2) with approval from the council.

(Eff. 6/25/88, Register 106)
 Authority - AS 18.66.050

13 AAC 95.260 AUDIT REQUIREMENTS.

The council will review audit reports received under 2 AAC 45.010 and will, in its discretion, within 60 days after receiving the report, question a cost incurred by a grantee. If the grantee fails to respond, or if the council determines that the response does not adequately explain or justify the questioned cost, the council will, in its discretion, require the grantee to refund to the council the amount of grant money used to pay the questioned cost. The grantee shall refund the amount in accordance with procedures specified by the council.

(Eff. 6/25/88, Register 106)
 Authority - AS 18.66.050

13 AAC 95.270 MONITORING AND EVALUATION.

- (a) A representative of the council may monitor and evaluate the performance and progress of a grant project. The grantee will have an opportunity to respond to the draft of the report before the report is made final.
- (b) The council will, in its discretion, enter into a contract to provide for monitoring and evaluation of grantees under (a) of this section.

(Eff. 6/25/88, Register 106)
 Authority - AS 18.66.050

13 AAC 95.280 CONFIDENTIALITY.

A grantee shall ensure the privacy of a person receiving services from the grantee, and shall preserve the confidentiality of client records, privileged communications under AS 18.66.200 - 18.66.250, and information pertaining to a person served by the grantee, unless

- (1) the person signs a release of information form;

- (2) release of the information is required to protect the life or safety of a person; or
- (3) release of the information is necessary for the grantee to comply with
 - (A) the provisions of AS 18.66.200 – 18.66.250; or
 - (B) a requirement under AS 47.17.020 or 47.24.010 to report child abuse or abuse of a vulnerable adult.

(Eff. 6/25/88, Register 106; am 7/1/91, Register 118; am 7/1/95, Register 134)
Authority - AS 18.66.050

13 AAC 95.290 RETENTION OF RECORDS.

- (a) A grantee and a subcontractor of a grantee under 13 AAC 95.220 shall retain grant and subcontract records, including records of the receipt and disposition of grant income, for a period of three years, with the following qualifications:
 - (1) the grantee or the subcontractor shall retain the records as long as an audit is in progress or as long as audit findings, litigation, or claims involving the records are pending;
 - (2) the grantee or the subcontractor shall retain records for non-expandable personal property of the grant project for three years after the final disposition of, or appropriate reimbursement for, that property to the state; and
 - (3) the retention period for each year's records begins at the date of submission to the council of the grantee's or subcontractor's annual or final financial status report or its equivalent.
- (b) The provisions of (a) of this section do not apply to records transferred to or maintained by the council. The council will, in its discretion, request a transfer of the records described in (a) of this section to the custody of the council at any time during the retention period established in (a) of this section if the council determines that the records possess long-term retention value. The council will make arrangements with the grantee to retain records that are continually needed for joint access.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.300 CHANGES IN APPROVED GRANT PROJECT.

- (a) Before changing the service plan of a grant project from the terms of the grant award, a grantee must submit the proposed changes in writing to the council for approval. The council will notify the grantee of its decision within 30 days after receipt of the proposed changes.
- (b) To change the beginning or ending dates of a grant period, a grantee must submit to the council for approval a written request for the change. Within 30 days after receipt of the request, the council will review the request and notify the grantee of its decision. The grantee may not use grant money to pay an expense incurred before the beginning date or after the ending date of the grant period unless payment of the expense is authorized under the terms of the grant and is authorized in writing by the council.
- (c) If the director of a grant project relinquishes or expects to relinquish active direction of the grant project, the grantee shall immediately notify the council in writing. If the grantee wishes to terminate the grant project, the council will provide the grantee with procedural

instructions. If the grantee wishes to continue the grant project, the grantee is responsible for selecting a replacement for the director. If the director of the grant project anticipates a temporary absence exceeding three months, the grantee shall notify the grant agency of the anticipated absence at least 30 days before the director's departure.

- (d) Subject to (e) of this section, a grantee may reallocate money between budget categories within the total budget of the grant project to meet unanticipated expenses necessary to the successful continuation or completion of the grant project, if the expenses are authorized under the terms of the grant. A reallocation under this subsection between a direct-cost budget category and an indirect-cost budget category is permissible.
- (e) The grantee must
 - (1) receive approval from the council before reallocating funding under (d) of this section in a manner that would increase any single budget category by more than 10 percent of that category or by more than \$5,000, whichever is less; and
 - (2) notify the council within 30 days after reallocating an amount not subject to (1) of this subsection.
- (f) In extraordinary circumstances, based on a showing of good cause by the grantee, the council will, in its discretion,
 - (1) waive the requirement under (e) of this section for advance approval of requests to reallocate money between budget categories; and
 - (2) approve a request for reallocation that is filed with the council after the reallocation has been made by the grantee.
- (g) Notwithstanding (f) of this section, the council will not approve a request to reallocate money between budget categories that is filed after the ending date of the grant period.

(Eff. 6/25/88, Register 106; am 7/1/91, Register 118)
Authority - AS 18.66.050

13 AAC 95.310 PURCHASING PRACTICES AND PROCEDURES.

A grantee shall establish uniform purchasing practices and procedures for the procurement of goods and services. The practices and procedures must be acceptable to the council. The practices and procedures must provide that

- (1) for purchases of non-expendable personal property, the grantee will require three competitive price quotations from potential suppliers;
- (2) for the award of a contract for services over \$5,000, a grantee must obtain at least three proposals, considering qualifications, resources, experience, and billing rates; for contracts under \$5,000, competitive solicitation is not required but selection must be made with practices that are as competitive as possible under the circumstances; for services contracts for which it is beneficial to the program to maintain continuity, the grantee may go out to bid once every three years; and
- (3) the grantee shall retain written records of price quotations in accordance with 13 AAC 95.290 and shall include in the written records
 - (A) specifications;
 - (B) suppliers' names and addresses; and
 - (C) the prices quoted; price quotations for nonexpendable personal property may be in the form of copies of listings in catalogs.

13 AAC 95.320 PROPERTY MANAGEMENT.

- (a) If a grantee acquires an interest in real property with money received from the grant, the grantee must negotiate property management terms with the council.
- (b) Before a grantee may use money received from a grant to purchase non-expendable personal property, the acquisition cost of the property must be included in the budget, or in an amendment to the budget, of the grant project which was approved by the council. In this subsection, "acquisition cost" means
 - (1) the cost of the non-expendable personal property and the cost of necessary accessories; and
 - (2) ancillary charges, such as duty, taxes, transportation, protective in-transit insurance, and installation fees if the inclusion of those charges is in accordance with the grantee's regular accounting practices.
- (c) Title to property purchased under (b) of this section vests in the grantee upon acquisition, subject to the right of the council to transfer title to the property to the state or to another person or legal entity if
 - (1) the council did not waive its right to transfer title to property under this subsection under the terms of the grant;
 - (2) the grantee no longer has need for the property in the grant project for which it was acquired, or the grant project or that part of the grant project for which the property was acquired is being transferred to another grantee;
 - (3) no later than 120 days after the completion or termination of the grant or 120 days after the date of an appeal decision under 13 AAC 95.350, if applicable, whichever is later, the council provides written notice to the grantee of its intent to transfer the property; and
 - (4) the council reimburses the grantee for the property in accordance with (d) of this section.
- (d) The council will compute the amount of reimbursement under (c)(4) of this section by applying the percentage of the total cost of the grant project contributed to the grant project by the grantee for the budget period in which the property was acquired to the current fair market value of the property. The council will also reimburse the grantee for reasonable shipping and storage costs incurred in connection with the transfer of the property.
- (e) Except when the council has exercised the right to transfer title under (c) of this section, a grantee shall retain property purchased under (b) of this section in the grant project as long as the property is needed for successful accomplishment of an objective of the grant project. During that time, the grantee shall make the property available for use in other activities conducted by the grantee with financial assistance from the state as long as this use does not interfere with the grant project. Among the other activities, the grantee shall give priority to the use of the property in an activity receiving financial assistance from the council.
- (f) If a grantee no longer needs property purchased under (b) of this section in the grant project, the grantee may retain the property if the grantee compensates the state. The council will compute the amount of compensation by applying the percentage of the total cost of the grant project contributed to the grant project by the council for the budget period in which the property was acquired to the current fair market value of the property. If the grantee

does not wish to retain the property, the grantee shall request disposition instructions from the council. The council will, in its discretion, instruct the grantee to

- (1) ship the property elsewhere; or
 - (2) sell the property in accordance with procedures specified by the council.
- (g) The council will reimburse a grantee for a disposition of property under (f)(1) of this section in an amount determined in accordance with (d) of this section.
- (h) A grantee shall reimburse the council for a disposition of property under (f)(2) of this section in an amount determined in accordance with the procedure described in (f) of this section for the retention of property by a grantee. However, the grantee may deduct from the amount of reimbursement 10 percent of the proceeds of the sale of each piece of property.
- (i) A grantee shall maintain accurate property records as well as effective inventory, control, and maintenance procedures for non-expendable personal property. These records must include the following information:
- (1) a description of the property and the manufacturer's serial number or other identification number;
 - (2) the grant program under which the property was acquired;
 - (3) the acquisition date and cost of the property;
 - (4) the percentage of the total cost of the grant project contributed to the grant project by the council for the budget period in which the property was acquired;
 - (5) the location, use, and condition of the property, and the date on which that information was recorded; and
 - (6) the disposition of the property, including the date of its disposal and its sales price or the method used to determine its current fair market value.
- (j) A grantee shall take an inventory of non-expendable personal property of the grant project and must reconcile the results of the inventory with the property records maintained under (i) of this section at the end of the grant period to verify the existence, current use, and continued need for the property.
- (k) A grantee shall provide a copy of the updated inventory list described in (i) and (j) to the council on an annual basis on a date specified by the council.
- (l) A grantee shall maintain a control system to ensure adequate safeguards to prevent loss, damage, or theft of non-expendable personal property of the grant project. The control system must include procedures for maintaining oversight of the equipment, sign-out procedures, periodic review of the condition of the equipment and obtaining needed repairs, and otherwise ensuring that the equipment is usable and is not lost or stolen. A grantee shall provide for the investigation and full documentation of a loss, damage, or theft of non-expendable personal property of the grant project.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.330 SUSPENSION AND TERMINATION.

- (a) If a grantee fails to comply with the terms of a grant or of this chapter, the council will, in its discretion, no sooner than 15 days after providing the grantee with written notice of the failure to comply, suspend the grant. A grantee may not use grant money to pay an obligation incurred during the period of the suspension; however, the grantee may pay an obligation incurred before the period of suspension if the grantee obtains the approval of the

council and if payment of the obligation would otherwise be allowed under this chapter or under the terms of the grant. A suspension under this subsection remains in effect until

- (1) the grantee takes corrective action and gives assurance of the corrective action satisfactory to the council,
 - (2) the grantee successfully appeals the suspension, or
 - (3) the council or grantee terminates the grant.
- (b) The council will, in its discretion, terminate a grant, in whole or in part, before the end of the grant period if the grantee fails to comply with the terms of the grant or of this chapter. The council will notify the grantee in writing at least 30 days before the termination. The notice will state the reasons for the termination, the effective date, and the portion of the grant to be terminated if the termination is partial. The council will, in its discretion, make necessary arrangements for managing the grant before the effective date of the termination and for closing the grant.
- (c) The council will, in its discretion, terminate a grant, in whole or in part, before the end of the grant period, with the consent of the grantee.
- (d) A grantee may terminate a grant, in whole or in part, before the end of the grant period upon written notification to the council stating the reasons for the termination, the effective date, and the portion of the grant to be terminated if the termination is partial.
- (e) If a grant is terminated, payments to the grantee or recovery of money by the council will be made in accordance with the rights and liabilities of the grantee and the council. The grantee may not incur new obligations to be paid with money from a terminated grant or the terminated portion of a grant after receiving notice of the termination of the grant. The grantee shall make a reasonable effort to cancel as many as possible of the grantee's outstanding obligations that, but for the termination, would be payable, in whole or in part, with money from the grant. However, to the extent that the grantee cannot cancel those obligations, the council will, in its discretion, provide for payments to the grantee to satisfy that part of an obligation that, but for the termination, would be payable with money from the grant, if the obligation was properly incurred before the grantee received notice of the termination.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.340 STATE LIABILITY.

The state, including its officers, agents, and employees, is not liable for an act of, or a failure to act by, a grantee, which results in damage or injury to the grantee, an employee of the grantee, or another person, or to property of the grantee, an employee of the grantee, or another person.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050

13 AAC 95.350 APPEALS PROCEDURES.

- (a) An applicant or grantee may appeal the following decisions under this section:

- (1) a final decision regarding funding under 13 AAC 95.070(d);
 - (2) a decision to withhold a payment under 13 AAC 95.230(c);
 - (3) a decision of the council to require a refund of grant money under 13 AAC 95.260; and
 - (4) a decision to suspend or terminate a grant under 13 AAC 95.330.
- (b) An applicant or grantee who wishes to appeal a decision must submit, within 15 days after receipt of notification of the decision, a written request for a hearing. The request must contain the reasons for the request and must cite the law, regulation, or council policy or procedure upon which the request is based.
 - (c) An appeal will be heard by the appeals committee.
 - (d) The appeals committee will be composed of the chair and two other council members chosen by council members at a meeting before the council's funding meeting.
 - (e) The appeals committee will review the request for a hearing, and, within 15 days after receipt of the request, will advise the appellant of acceptance or rejection of the request for hearing and, if the request is rejected, the reason for the rejection.
 - (f) If the request for a hearing is accepted, the appeals committee will request the governor to appoint a hearing officer and will schedule a hearing for the earliest practicable time, but not later than 20 days after the acceptance. The committee will, in the committee's discretion, arrange for the hearing to be held by teleconference network.
 - (g) The hearing officer shall submit a transcript of the hearing, any written testimony, and a written recommendation, to the appeals committee, which will make the final decision on the appeal.

(Eff. 6/25/88, Register 106)
 Authority - AS 18.66.050

13 AAC 95.900 DEFINITIONS.

Unless the context indicates otherwise, in this chapter

- (1) "applicant" includes a local community entity as described in AS 18.66.060;
- (2) "approval" means a written agreement or permission to proceed, signed by an authorized representative of the council, in response to a written request from the grantee or applicant for approval of a proposed action;
- (3) "budget" means the financial expenditure plan of a grant project approved by the council, and includes money awarded under the grant program and any other financing used for the grant project;
- (4) "chair" means the chair of the Council on Domestic Violence and Sexual Assault;
- (5) "council" means the Council on Domestic Violence and Sexual Assault;
- (6) "final state budget" means the total operating budget for the government of the State of Alaska;
- (7) "grant" means an award of financial or direct assistance by the council to an eligible applicant based on review and approval of an application setting out a proposed activity or service;
- (8) "grant income" means income earned by a grant project during the grant period, including proceeds from the sale of products or services, payments received for services, fees received for personal services, proceeds from the sale of assets of the grant project, interest earned on grant money placed in interest-bearing accounts, and royalties from copyrights or publications;

- (9) "grant period" means the time period for which the grantee has been awarded a grant;
- (10) "grant project" means those aspects of a grantee's activities which are funded, in whole or in part, by a council grant;
- (11) "grantee" means the person or other legally accountable entity that received a grant;
- (12) "indirect cost" means a cost which, because of its incurrence for common or joint objectives, is not readily subject to treatment as a direct cost;
- (13) "non-expendable personal property" means
 - (A) an article of tangible personal property that is complete in itself, is of a durable nature, has an expected useful life of more than one year, and has an acquisition cost, as defined in 13 AAC 95.320(b), of \$500 or more; or
 - (B) intangible personal property, such as patents, inventions, and copyrights;
- (14) "personal property" means property other than real property;
- (15) "real property" means land, land improvements, and structures and appurtenances located on land other than moveable machinery and equipment;
- (16) "subcontract" means a contract between a grantee and another person or agency to perform one or more of the services that are to be performed as a part of the grant;
- (17) "true lease" means a lease other than one
 - (A) under which ownership of the property is transferred to the lessee under the terms of the lease, by the end of the lease term;
 - (B) that contains an option to buy the property at a price less than the fair market value of the property;
 - (C) under which the lease term is 75 percent or more of the estimated economic life of the property; or
 - (D) under which the present value of the total payments made by the lessee under the lease is 90 percent or more of the fair market value of the property, less the amount of investment tax credits to be retained by the lessor under 26 U.S.C. 38 during the term of the lease; the valuation date for this purpose is the date of the lease agreement or the date of a commitment to enter into a lease agreement, whichever is earlier.

(Eff. 6/25/88, Register 106)
Authority - AS 18.66.050