



Date: July 5, 2016

Re: Hiring AmeriCorps Members Guidance Memo

Note: This policy applies to situations where the AmeriCorps service and employment would be within the same organization or when a member who is serving with a multi-site program is going to be employed by his/her host site. Because of the potential ramifications outlined in this memo, the ServeOhio staff discourages this situation.

Example A: ABC Nonprofit is the legal applicant for G.O. AmeriCorps Team. ABC Nonprofit's payroll system includes all of its programs, including processing and cutting checks for AmeriCorps member living allowance payments. G.O. AmeriCorps Team has a member, Jane Doe, who is interested in a part-time job at ABC Nonprofit. After she is interviewed, ABC Nonprofit would like to hire her.

Example B: Jeanne Doe is a member of Helping Others, a multi-site program. Jeanne does her AmeriCorps service at For the Trees Nonprofit, a host site of Helping Others. For the Trees has a part-time job opening for which they interview and would like to hire Jeanne.

Policy: With the change in regulations, that is, in AmeriCorps Provision 31 [now found in AmeriCorps Regulations Section 2540.100]; it is possible for a program to have an individual both serving as an AmeriCorps member and employed by the same organization. The program must submit a certification to its ServeOhio Program Officer prior to either 1) enrolling an AmeriCorps member who is an employee of the organization or 2) deciding to hire as an employee someone who is serving as an AmeriCorps member. The certification will serve to demonstrate that the program is complying with AmeriCorps Terms and Conditions regarding supplementation, non-duplication, and non-displacement. Once the certification is submitted, it must be reviewed by the ServeOhio Program Officer, who will either approve or deny the request. The certification must include the following:

- ◆ A copy of the AmeriCorps position description and a copy of the employee job description.
- ◆ A statement ensuring that hours served for the AmeriCorps position and hours worked as an employee are kept as separate records.
- ◆ A statement ensuring that the living allowance* payment is tracked separately from the employment payment and are distinguishable in accounting and/or payroll records.

- ◆ A statement indicating that the individual will not wear AmeriCorps gear or display the AmeriCorps logo while they are working as an employee.
- ◆ A statement that the organization (legal applicant), program, and host site (if applicable) are complying with AmeriCorps Provision 31.

*Note that some programs do not pay a living allowance per AmeriCorps guidelines. To reiterate, the certification must be submitted to the program's ServeOhio program officer prior to:

- 1) Enrolling an AmeriCorps member who is an employee of the organization OR
- 2) Deciding to hire as an employee someone who is serving as an AmeriCorps member.

The certification must be submitted in the form of a letter with an original signature. The program director must sign the letter. In addition, because of the potential consequences (see next paragraph), the ServeOhio staff also encourages that the letter be signed by the individual responsible for signing the AmeriCorps contract. Once the certification is submitted, the ServeOhio Program Officer will review it and either approve or deny the request.

Organizations must be aware that should they decide to hire a currently serving AmeriCorps member, they may run afoul of federal or state wage and hour laws. Consequences may include being liable for paying minimum wage, time and a half overtime, or other penalties. This will be taken into consideration in any future request for funding continuation.

For more information, contact your ServeOhio Program Officer.