



1.6 PROJECT PERSONNEL

POLICY:

Recipient and subrecipients must have approved personnel policies and procedures.

PROCEDURE:

Personnel Policies

Recipient and subrecipients are obligated to establish and maintain personnel policies that comply with applicable Federal and State requirements, including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, Title I of the Americans with Disabilities Act, and the annual appropriations language.

Policies and procedures provide evidence of no discrimination in personnel administration at its organizations. These policies should include, but are not limited to, staff:

- Recruitment
- Selection
- Performance evaluation
- Promotion
- Termination
- Compensation
- Benefits
- Grievance procedures

Cultural Competency

To the maximum feasible extent, provide an opportunity for participation in the development, implementation, and evaluation of the project by persons broadly representative of all significant elements of the population to be served and by others in the community knowledgeable about the community's needs for family planning services. (42 CFR 59.5 (b)(10))

Documentation at services sites includes records of cultural competence training, in-services, client satisfaction surveys, or other documentation that supports culturally competent services.

Project Director

The recipient is required to notify the GMO in writing if the PI/PD or key personnel named explicitly in the Notice of Grant Award (NGA) will withdraw from the project entirely, be absent from the project during any continuous period of 3 months or more, or reduce time devoted to the project by 25 percent or more from the level that was approved at the time of award (for example, a proposed change from



40 percent effort to 30 percent or less effort). The OPDIV must approve any alternate arrangement proposed by the recipient, including any replacement of the PI/PD or key personnel named in the NGA.

The requirement to obtain OPDIV prior approval for a change in status pertains only to the PI/PD and those key personnel the OPDIV names in the NGA, regardless of whether the applicant organization designates others as key personnel for its own purposes. For more information, see HHS Grants Policy Statement, 2007 Section II-54.

Any change in director, or other key personnel, must be submitted to the state office.

Clinical Leadership

Projects must provide that family planning medical services will be performed under the direction of a clinical services provider, with services offered within their scope of practice and allowable under state law, and with special training or experience in family planning. (42 CFR 59.5 (b)(6)).

- Recipient and subrecipients must involve their Medical Director in program operations
- Curriculum vitae of the Medical Director indicates special training or experience in family planning
- the Medical Director approves Clinic Protocols

Salary

Salary Limitation (Further Consolidated Appropriations Act, 2022, Div. H, Title II, sec. 202).

“None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.”

The Salary Limitation is based upon the Executive Level II of the Federal Executive Pay Scale. For the purposes of the salary limitation, the direct salary is exclusive of fringe benefits and indirect costs. The legislative provision for a salary limitation does not constrain an individual’s direct salary. The rate limitation limits the amount that may be awarded and charged to the grant or cooperative agreement. A recipient may pay an individual’s salary amount in excess of the salary cap with non-federal funds.

Appropriate salary limits will apply as required by law.

- The Department of Defense and Labor, Health and Human Services, Education Appropriations Act, and Continuing Appropriations Act contains requirements and restrictions related to the use of federal funds from the HHS Office of the Assistant Secretary for Health (OASH) on all grant or cooperative agreements henceforth including the current budget period. “None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.”
- The Salary Limitation is based upon the Executive Level II of the Federal Executive Pay Scale. For the purposes of the salary limitation, the direct salary is exclusive of fringe benefits and indirect costs. An individual’s direct salary is not constrained by the legislative provision for a limitation of salary. The rate limitation limits the amount that may be awarded and charged to the grant. A



recipient may pay an individual's salary amount in excess of the salary cap with non-federal funds.

- Required salary limits are documented in the most current family planning services Funding Opportunity Announcement (FOA). Compliance will be monitored through budgets and payroll records.

RESOURCES:

Family Planning Statement of Understanding

<https://www.hhs.nd.gov/sites/www/files/documents/DHS%20Legacy/FAMILYPLANNINGSTATEMENTOFUNDERSTANDING.pdf>

[Current Title X Service Grantees | HHS Office of Population Affairs Grants Policy Statement \(hhs.gov\)](#)

[Section 504, Rehabilitation Act of 1973 | U.S. Department of Labor \(dol.gov\)](#)

[Title VI, Civil Rights Act of 1964 | U.S. Department of Labor \(dol.gov\)](#)

[Titles I and V of the Americans with Disabilities Act of 1990 \(ADA\) | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)