

CAPLAW
Community Action Program Legal Services, Inc.

EVENTS AND TRAININGS

upcoming CAPLAW trainings on the legal and financial issues critical to CAAs

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Top Notch CAAs: Organizational Performance from the Legal Perspective

**Webinar
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Anita Lichtblau, Esq.
Executive Director/General Counsel
Community Action Program Legal Services (CAPLAW)
www.caplaw.org 617.357.6915

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Agenda

- Organizational Performance Standards: Legal Perspective
 - Leadership
 - Governance
 - Human Resources
 - Using legal resources to meet standards
 - Implementation

CAA Organizational Standards

Background and Timeline

- Administration CSBG budget language
- Grant to Community Action Partnership
- Urban Institute contract for Performance Standards
- ROMA Next Generation -- NASCSP
- CAA network survey
- Pilot testing in states
- Submission to OCS, including implementation recommendations
- NCAF Proposed Reauthorization bill

Objectives of Organizational Standards

- Current iteration -- not “excellence” but minimum threshold for compliance and monitoring by states
- National standard or state-by-state adoption?
- Next step – one to five scale
 - CAAs would use for self –improvement
 - States would use for training and technical assistance, recommendations for best practices
- OCS would like to use as basis for competition if legislative change

Components of Organizational Standards

1. Consumer Input
2. Community Engagement
3. Community Assessment
4. Organizational Leadership
5. Board Governance
6. Strategic Planning
7. Human Resource Management
8. Financial Operations and Oversight
9. Data Analysis

Some Leadership Standards

4.1 Board has reviewed mission statement in last 5 years and assured that:

- Mission addresses poverty; and
- Programs and services are in alignment with mission

4.4 Written succession plan is in place for CEO/ED, approved by Board, that contains procedures for covering emergency/unplanned, short-term absence of 3 months or less, and outlines process for filling a permanent vacancy (Private CAAs)

- Public CAAs: Adhere to local government policies re interim appointments and filling permanent positions

Some Governance Standards

5.1 Board is structured in compliance with CSBG Act:

1. At least one third democratically-selected representatives of low-income community;
2. One-third local elected officials (or their representatives); and
3. Balance from major groups and interests in community

5.2 Board has written procedures that document democratic selection process for low-income board members adequate to assure that they are representative of low-income community

Some Governance Standards

- 5.3** Bylaws have been reviewed by an attorney within past 5 years
- 5.4** Documentation that Board members receive and review bylaws at least every two years
- 5.5** Board meets in accordance with frequency and quorum requirements and fills board vacancies as set out in bylaws
- 5.6** Each board members has signed conflict of interest policy within past 2 years
- 5.8** Board members provided with training on duties and responsibilities within past 2 years

Some Human Resources Standards

- 7.1** The CAA has written personnel policies reviewed by attorney and approved by Board within past 5 years (private CAA)
- 7.2** The CAA makes available Employee Handbook (or personnel policies in cases without a Handbook) to all staff and notifies staff of any changes
- 7.4** Board conducts performance appraisal of CEO/Executive Director within each calendar year (private CAA)

Some Human Resources Standards

7.5 Board reviews and approves CEO/Executive Director compensation within every calendar year

- Public CAA – Compensation of CAA Department head is made available according to local government procedure

7.7 The CAA has a whistleblower policy approved by Board within past 5 years

- Public CAA – Provides copy of any existing local government agency whistleblower policy to tripartite board at time of orientation

Using Legal Resources: Attorneys

- Knowledgeable local counsel is essential
- Procurement process
- Key areas of expertise:
 - Employment and labor law
 - Non-profit organizations
 - Real estate and contract law
- Attorney on board of directors, or consultant to board, required for Head Start grantees
- Understand contract and billing structure
- Pro bono services
- Employer Smarts program

Using Legal Services: Training and Policies

- Use attorneys or other qualified professional to conduct training on human resources issues
 - Discrimination, sexual harassment, wage and hour law
- Consider in-person on-site or off-site training, videos, online training, webinars, newsletters
 - CAPLAW website has many free recorded webinars and content on HR issues
- Communicate training throughout organization
- Use attorneys to review or draft and update personnel policies
 - Consistent with federal and state law
 - Understandable
 - Reflects current practice

Legal Resources: Monitoring

- Use attorneys and other experts to prepare for key reviews, like Head Start
- Seek advice of attorneys in responding to monitoring and audit findings, cost disallowances
- Attorneys may be able to provide specific authority for your position and assist in persuasive arguments

Using Legal Resources: Non-profit Status and By-laws

- Legal advice in creating structure, and ensuring compliance with law, for new ventures and affiliations
 - New legal entities
 - Preserve tax-exempt status
 - Mergers
 - Determine status of existing grants
- Legal review of by-laws and board policies
 - Organizational standards: every 5 years
 - Update to be consistent with new laws
 - Keep up with changing technology
 - Bring into line with changing practices and operations of CAA
 - Review board size and structure
 - Conflict of interest and whistleblower policies

Ensuring Compliance: What else?

- Tone at the Top
 - Oversight role of Board
 - Culture of compliance
 - ED setting the right tone by word and example
- Systems are set up, implemented, followed, and monitored
- Written policies
- Competent auditors
- Assigning responsibility
- Holding staff accountable

CAPLAW Compliance Resources

- Exemplary Legal Practices and Policies Guidebook
- Top-Notch CAA Toolkit: Governance and Financial Issues
- Legal Liability Audit
- CAPLAW By-laws Toolkit
- www.caplaws.org

Implementation of Standards

- Voluntary Adoption
 - By CAAs
 - By States
 - Follow state law on adoption of rules and regulations
 - Incorporate as standards into contracts
 - Provide sufficient lead time
 - Provide training and technical assistance
 - OCS role in encouraging adoption
 - Information Memorandum
- Mandatory Adoption
 - Congress would need to amend federal CSBG Act
 - Block grant